

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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SPECIAL NOTICES

DEPARTMENT OF INSURANCE

PUBLIC HEARING ON PROPOSED FEES FOR SERVICES PROVIDED AND COSTS INCURRED BY THE DEPARTMENT OF INSURANCE DURING FISCAL YEAR 2001

The Department of Insurance will hold a hearing on Wednesday, November 15, 2000, at 9:00 a.m. in Room 3112 of the State Office Building (behind the State Capitol), Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees to be assessed for services provided and costs incurred by the Department during Fiscal Year 2001. Subsection 63-38-3.2(2)(b) of the Budgetary Procedures Act provides that an agency shall conduct a public hearing on any proposed regulatory fee.

Background: Various divisions of the Department assess fees for licensure, registration, or certification of individuals, agencies, and companies to engage in the business of insurance. The only changes to the fee schedule are fees for late renewals, reinstatements, and increased charges for bad checks. The proposed fee schedule has been prepared for consideration by the Legislature during its 2001 General Session. The fee schedule will be distributed at the November 15, 2000, hearing and can be found on the web at: www.insurance.state.ut.us/fees.htm.

For further information, please contact Jilene Whitby at (801) 538-3803.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-20, dated September 29, 2000 (<http://www.state.lib.ut.us/00-20.html>); and List No. 00-21, dated October 13, 2000 (<http://www.state.lib.ut.us/00-21.html>). For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the addresses above.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 3, 2000, 12:00 a.m., and October 16, 2000, 11:59 p.m., are included in this, the November 1, 2000, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 1, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 1, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Community and Economic Development, Community Development
R199-8
Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance

NOTICE OF PROPOSED RULE (Amendment)
DAR FILE NO.: 23231
FILED: 10/16/2000, 15:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Permanent Community Impact Fund Board (CIB) is considering amending its review and approval procedures for its grant and loan program.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies the process and format for the "Local Capital Improvement List" requirement contained in Section R199-8-5.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-4-305
FEDERAL REQUIREMENT FOR THIS RULE: Federal Mineral Lands Leasing Act, 30 USCS 191

ANTICIPATED COST OR SAVINGS TO:
THE STATE BUDGET: None--The proposed amendment will be handled within the CIB's existing staff and budget.
LOCAL GOVERNMENTS: None--The CIB will provide funding through the seven regional Associations of Governments to assist in the preparation of the revised "Local Capital Improvement Lists".
OTHER PERSONS: None--Individuals, corporations, associations and private non-profits are not eligible for CIB funding assistance.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The CIB will provide \$1,000 per eligible county (\$25,000 total) to the

seven regional Associations of Governments to assist in the preparation of the revised "Local Capital Improvement Lists." This funding will be provided within the CIB's existing staff and budget.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Executive Director of the Department of Community and Economic Development (DCED) has determined that no fiscal impact will occur on the private sector as individuals, corporations, associations, and private non-profits are not eligible for CIB funding assistance.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Community and Economic Development
Community Development
324 South State, Suite 500
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Keith J. Burnett at the above address, by phone at (801) 538-8725, by FAX at (801) 538-8888, or by Internet E-mail at kburnett@dced.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/02/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/09/2000, 9:00 a.m., State Capitol Building, Room 403, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/14/2000

AUTHORIZED BY: David B. Winder, Executive Director

R199. Community and Economic Development, Community Development.
R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

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R199-8-3. Application Requirements.

- A. Applicants shall submit their funding requests on the Board's most current application form, furnished by the Department of Community and Economic Development (DCED).
B. Additional general information not specifically covered by the application form should also be furnished to the Board and its staff when such information would be helpful to the Board in appraising the merits of the project.
C. For proposed drinking water and sewer projects, sufficient technical information must be provided to the Utah Department of

Environmental Quality (DEQ) to permit their review. The Board will not act on any drinking water or sewer project unless they receive such review from DEQ.

D. Planning grants and studies normally require a fifty percent cash contribution by the applicant.

E. The Board requires all applicants to have a vigorous public participation effort. All applicants shall hold at least one formal public hearing to solicit comment concerning the size, scope and nature of any funding request prior to its submission to the Board. In that public hearing, the public shall be advised the financing may be in the form of a loan, even if the application requests a grant.

Complete and detailed information shall be given to the public regarding the proposed project and its financing. The information shall include the expected financial impact including potential repayment terms and the costs to the public as user fees, special assessments, or property taxes if the financing is in the form of a loan. The Board may require additional public hearings if determines the applicant did not adequately disclose to the public the impact of the financial assistance during the initial public hearing.

When the Board offers the applicant a financial package that is substantially different in the amounts, terms or conditions initially requested by an applicant, the Board may require additional public hearings to solicit public comment on the modified funding package.

A copy of the public notice and transcript or minutes of the hearing shall be attached to the funding request. Public opinion polls may be submitted in addition to the transcript or minutes.

F. Letters of comment outlining specific benefits (or problems) to the community and State may be submitted with the application.

G. All applicants are required to notify in writing the applicable Association of Governments of their intention to submit a funding request to the Board. A copy of any comments made by the Association of Governments shall be attached to the funding request. It is the intent of the Board to encourage regional review and prioritization of funding requests to help ensure the timely consideration of all worthwhile projects.

H. State statute requires the Board before it grants or loans any funds or approves any undertaking to take into account the effect of the undertaking on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. In order to comply with that duty, the Board requires all applicants to provide the SHPO with a description of the proposed project and attach the SHPO's comments to the application. The Board also requires that if during the construction of the project the applicant discovers any cultural/paleontological resources, the applicant shall cease project activities which may affect or impact the cultural/paleontological resource, notify the Board and the SHPO of the discovery, allow the Board to take into account the effects of the project on cultural/paleontological resources, and not proceed until further approval is given by the Board.

I. All applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services.

J. All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

K. All applicants must demonstrate that any arrangement with a lessee of the proposed project will constitute a true lease, and not a disguised financing arrangement. The lessee must be required to pay a reasonable market rental for the use of the facility. In addition, the applicant shall have no arrangement with the lessee to sell the facility to the lessee, unless fair market value is received.

L. Each applicant must submit evidence and legal opinion that it has the authority to construct, own and lease the proposed project. In the case of a request for an interest bearing loan, the applicant must provide an opinion of nationally-recognized bond counsel that the interest will not be subject to federal income taxes.

M. All applicants shall certify to the Board that they will comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000e), as amended, which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agree to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90, as amended, which prohibits discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and 28 CFR 35, as amended, which prohibit discrimination on the basis of disabilities; Utah Anti-Discrimination Act, Section 34A-315-101 et seq., which prohibits discrimination against any employee or applicant for employment because of race, color, sex, age, religion, national origin, or handicap, and to certify compliance with the ADA to the Board on an annual basis and upon completion of the project.

R199-8-4. Board Review Procedures.

A. The Board will review applications and authorize funding assistance on a "Trimester" basis. The initial meetings of each "Trimester" shall be "Project Review Meetings". The final meeting of each "Trimester" shall be a "Prioritization and Funding Meeting". Board meetings shall be held ~~[the first Thursday of each]~~ monthly, except July when no meeting will be held. "Prioritization and Funding Meetings" shall be held in April for the 1st Trimester, August for the 2nd Trimester and December for the 3rd Trimester.

The deadlines for submitting applications for each of the Trimesters will no later than the following dates: 1st Trimester, December 1st; 2nd Trimester, April 1st; 3rd Trimester, August 1st.

B. The process for review of new applications for funding assistance shall be as follows:

1. Submission of an application to the Board's staff for technical review and analysis.
2. Incomplete applications will be held by the Board's staff pending submission of required information.
3. Complete applications accepted for processing will be placed on the next available "Project Review Meeting" agenda.
4. At the "Project Review Meeting" the Board may either:
 - a. deny the application;
 - b. place the application on the "Pending List" for consideration at a future "Project Review Meeting" after additional review, options analysis and funding coordination by the applicant and the Board's staff;

c. place the application on the "Prioritization List" for consideration at the next "Prioritization and Funding Meeting".

C. Applicants and their representatives shall be informed of any "Project Review Meeting" at which their applications will be considered. Applicants may make formal presentations to the Board and respond to the Board's questions during the "Project Review Meetings".

D. No funds shall be committed by the Board at the "Project Review Meetings", with the exception of bona fide emergencies.

E. Applications for funding assistance which have been placed on the "Prioritization List" will be considered at the "Prioritization and Funding Meeting" for that Trimester. Applications which do not receive funding authorization will be held over for reconsideration at the next "Prioritization and Funding Meeting". Applications which have not received funding authorization after reconsideration will be deemed denied.

F. ~~When two or more applications for funding assistance from various applicants in a given county are being considered at a "Project Prioritization and Funding Meeting", that county's Council of Governments (COG) or other broad-based intergovernmental coordination body shall submit a list showing the COG's prioritization of those applications:~~

~~G.]~~In instances of bona fide public safety or health emergencies or for other compelling reasons, the Board may suspend the provisions of this section and accept, process, review and authorize funding of an application on an expedited basis.

R199-8-5. Local Capital Improvement Lists.

A. A consolidated list of the anticipated capital needs for eligible entities ~~will~~shall be submitted from each county area, or in the case of state agencies, from DCED. This list ~~should~~shall be produced as a cooperative venture of all the eligible entities within each county area.

B. The list ~~will~~shall contain a short term (one year)[;] and a medium term (five year) ~~and long range~~component ~~(5-10 years)~~.

C. The list ~~should~~shall contain the following items: jurisdiction, summary description, project time frame, anticipated time of submission to PCIFB, projected overall cost of project, anticipated funding sources, the individual applicant's priority for their own projects, and the county area priority for each project. The county area priority for each project shall be developed as a cooperative venture of all eligible entities within a county area.

D. Projects not identified in a county area's or DCED's list, will not be funded by the PCIFB, unless they address a bona fide public safety or health emergency or for other compelling reasons.

E. An up-dated list shall be submitted to the Board no later than ~~January 31~~April 1st of each year. ~~The short term (one year) component of the list shall be prioritized on a county-wide basis by a cooperative venture of the eligible entities within a county]~~The up-dated list shall be submitted in the uniform format required by the Board.

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KEY: grants

~~[November 10, 1998]~~2000

9-4-305

Notice of Continuation December 23, 1997



Education, Administration
R277-474
School Instruction and Human
Sexuality

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23209

FILED: 10/13/2000, 13:46

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments were made pursuant to questions raised by the Legislative Rules Review Committee. The primary change was to make crystal clear that only students from whom the teacher has the state-approved parental consent forms may participate in classes discussing identified issues. Other changes are for clarification or consistency.

SUMMARY OF THE RULE OR CHANGE: The change improves consistency in terms and includes several provisions that require parental consent forms on file prior to students' participation in class discussions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3; and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost or savings to the state budget because the amendments are clarifications only.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because changes require nothing new; they make clear that parent forms must be on file prior to student participation – not a new requirement.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because parents must only sign and return forms provided by teachers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these amendments; parents must only sign and return forms provided by teachers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education Administration 250 East 500 South Salt Lake City, UT 84111, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R277. Education, Administration. R277-474. School Instruction and Human Sexuality. R277-474-1. Definitions.

- A. "Board" means the Utah State Board of Education. B. "Curriculum materials review committee (committee)" means a committee formed at the district or school level... C. "Family Educational Rights and Privacy Act" is a state statute... D. "Human sexuality instruction or instructional programs" means any course... E. "Inservice" means training in which Utah educators may participate... F. "Medically accurate" means verified or supported by a body of research...

relevant field, such as the Centers for Disease Control and Prevention.

G. "Parental notification form" means a form developed by the USOE and used exclusively by Utah public school districts or Utah public schools for parental notification of subject matter identified in this rule. Students may not participate in human sexuality instruction or instructional programs as identified in R277-474-1D without prior affirmative parent/guardian response on file. The form:

- (1) shall explain a parent's right to review proposed curriculum materials in a timely manner; (2) shall request the parent's permission to instruct the parent's student in identified course material related to human sexuality; (3) shall allow the parent to exempt the parent's student from attendance for class period(s) while identified course material related to human sexuality is presented and discussed; (4) shall be specific enough to give parents fair notice of topics to be covered; (5) shall include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials; (6) shall be on file with affirmative parent[at]/guardian response for each student [present in]prior to the student's participation in discussion of issues protected under Section 53A-13-101; and (7) shall be maintained at the school for a reasonable period of time. H. "State Textbook Commission" means an advisory commission authorized under Section 53A-14-101. I. "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students. J. "Utah Professional Practices Advisory Commission (Commission)" means a Commission authorized under 53A-6-301 and designated to review allegations against educators and recommend action against educators' licenses to the Board. K. "USOE" means the Utah State Office of Education.

.....

R277-474-3. General Provisions.

- A. The following may not be taught in Utah [classrooms]public school courses through the use of instructional materials or live instruction: (1) the intricacies of intercourse, sexual stimulation or erotic behavior; (2) the advocacy of homosexuality; (3) the advocacy or encouragement of the use of contraceptive methods or devices; or (4) the advocacy of sexual activity outside of marriage. B. Educators are responsible to teach the values and information identified under Section 53A-13-101(4). C. Utah educators shall follow all provisions of state law [regarding parent notification]including parent/guardian notification and prior written parental consent requirements under Sections 76-7-322 and 76-7-323 in teaching any aspect of human sexuality. D. Course materials and instruction shall be free from religious, racial, ethnic, and gender bias.

.....

R277-474-5. School District Responsibilities.

A. Annually each school district shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of human sexuality instruction to attend a state-sponsored inservice outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

B. Each school district shall provide training consistent with R277-474-5A at least once during every three years of employment for Utah educators.

C. Local school boards shall form curriculum materials review committees (committee) at the district or school level as follows:

- (1) The committee shall be organized consistent with R277-474-1B.
- (2) Each committee shall designate a chair and procedures.
- (3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course prior to their presentations.
- (4) The committee shall not authorize the use of any human sexuality instructional program not previously approved by the Board.
- (5) The district superintendent shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.
- (6) The district shall use [x]the common parental notification form and comply with timelines approved by the Board.
- (7) Each district shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in human sexuality instruction, to include the disposition of the complaints, and provide that information to the USOE upon request.

D. If a student is exempted from course material required by the Board-approved Core Curriculum, the parent shall take responsibility, in cooperation with the teacher and the school, for the student learning the required course material consistent with Sections 53A-13-101.2(1), (2) and (3).

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KEY: schools, sex education
[September 1, 2000]

Art X Sec 3
53A-1-401(3)



Education, Administration
R277-477
 Distribution of Funds from the School
 Trust Lands Account

NOTICE OF PROPOSED RULE

(New)
DAR FILE No.: 23210
FILED: 10/13/2000, 13:46
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide a formula for distributing interest income from the Permanent State School Fund to public schools.

SUMMARY OF THE RULE OR CHANGE: This new rule provides additional detail, especially on timelines, for distributing school trust land funds for use by individual schools.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3; and Subsections 53A-1-401(3) and 53A-16-101.5(3)(c)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. No funds will be taken from the state budget due to this rule; the rule merely provides the formula for distribution.

❖**LOCAL GOVERNMENTS:** Districts, based on local plans, will have additional funds at the school to address local needs.

❖**OTHER PERSONS:** There is no anticipated cost or savings to other persons. This rule only provides distribution criteria and processes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for individuals. Funds will go to individual schools based on school plans.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law



R277. Education, Administration.
R277-477. Distribution of Funds from the School Trust Lands Account.

- R277-477-1. Definitions.**
 A. "Board" means the Utah State Board of Education.
 B. "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).
 C. "Host school district" means a school district in which a public charter school is located.
 D. "Student" means a child in grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.
 E. "USDB" means the Utah Schools for the Deaf and the Blind.

- R277-477-2. Authority and Purpose.**
 A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust lands funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
 B. The purpose of this rule is to provide a formula for distributing interest income from the Permanent State School Fund to public schools.

- R277-477-3. Distribution of Funds – Determination of Proportionate Share.**
 A. Funds shall be distributed to school districts and the USDB as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.
 B. Each school district and the USDB shall distribute funds received under R277-477-3A to each school, including schools that have opened since the prior October 1 Enrollment Report, on an equal per student basis using the previous school year's audited October 1 Fall Enrollment Report. All schools receiving funds shall have satisfied the criteria of the law and this rule.
 C. For purposes of this rule, funds for charter schools under both the 10% calculation and the 90% calculation shall be distributed to the public school districts in which the charter schools are located. The host school districts shall, in turn, distribute to charter schools their proportionate per pupil shares.
 D. Interest and dividend income shall be distributed from the Permanent State School Fund according to the School Finance Reference Manual.
 (1) Distribution to school districts and the USDB shall occur monthly.
 (2) Due to fluctuations in investment returns, monthly allocations may vary in amount.
 E. In a year-end report, each school district shall provide to the USOE the names of schools and the funds distributed under this rule.

KEY: schools, trust lands funds*
2000
Art X Sec 3
53A-16-101.5(3)(c)
53A-1-401(3)



Education, Administration
R277-763
 Basic Sign Language Education

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE NO.: 23211
 FILED: 10/13/2000, 13:46
 RECEIVED BY: NL

RULE ANALYSIS
 PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being repealed because the law that authorized the rule and provided funding for the program was repealed.
(DAR Note: Section 53A-17a-131.10 was repealed by S.B. 3, found at 1998 Utah Laws 234, effective July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X Sec 3; Subsection 53A-1-401(3); and Section 53A-17a-131.10

- ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: State budgets may choose to continue providing funds for these programs in districts.
 ❖LOCAL GOVERNMENTS: A school district, if it continued a sign language program, could anticipate paying for .5 to 1 FTE (starting teacher's salary - \$30,000 per year) to provide a program.
 ❖OTHER PERSONS: Individuals who wanted to learn or need sign language would have to pay for services/lessons privately - either through college tuition or hourly rates of \$23-\$30 per hour.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs as such, but individuals who wanted to learn or need sign language would have to pay for services/lessons privately - either through college tuition or hourly rates of \$23-\$30 per hour.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

— B. Proposals shall include:

- (1) a plan for providing basic sign language education to students during the regular school day;
- (2) a proposed budget;
- (3) an explanation of how the appropriation will support the instruction; and
- (4) procedures for self-evaluation of the school program.

R277-763-4. Program Timelines:

- A. Individual school proposals shall be sent initially to the district and a district shall submit a single proposal.
- B. Proposals shall be submitted to the USOE by September 30 of each school year.
- C. School self-evaluations shall be completed as outlined in the approved school proposal and as monitored by staff of the USDB or the USOE SARS Section or both.

KEY: elementary education, basic sign language*

~~December 3, 1996~~ Art X Sec 3
~~53A-17a-132.10~~
~~53A-1-401(3)~~

R277. Education, Administration.

[R277-763. Basic Sign Language Education:

R277-763-1. Definitions:

- A. "Board" means the Utah State Board of Education.
- B. "USOE" means the Utah State Office of Education.
- C. "Basic sign language" means American sign language or conceptually accurate signed English used by students who are deaf/hard of hearing.
- D. "Elementary school" means any school that includes grades K-4 or any combination of those grades.
- E. "Approval Committee" means a group mutually chosen by the State Director of Special Education and the Superintendent of the USDB representing diverse interests in deaf education to assist in the review and approval of applications for funds.
- F. "USDB" means the Utah Schools for the Deaf and the Blind.
- G. "SARS" means Services for At Risk Students, a section of the USOE.

R277-763-2. Authority and Purpose:

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public schools in the Board, by Section 53A-17a-131.10 which directs the Board to develop rules to distribute the appropriation for sign language education to school districts for use by elementary schools, and Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of this rule is to provide for distribution of funds to school districts for use by elementary schools to teach basic sign language education.

R277-763-3. Distribution of Funds:

- A. Funds shall be distributed to school districts for each elementary school in the school district that submits a proposal which is approved by the Approval Committee.



Education, Administration
R277-904
 Applied Technology Center and
 Service Region Standards and
 Operating Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23212

FILED: 10/13/2000, 13:46

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to include vehicle allowance(s) and all compensation within the salary for the Applied Technology Center (ATC) superintendent set by the local ATC board.

SUMMARY OF THE RULE OR CHANGE: The amendment adds "vehicle allowance and all other forms of compensation" to the salary of the ATC superintendent set by each local ATC board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3; and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Local ATC budgets will now reflect total compensation paid to local ATC superintendents, though there need not be costs or savings from past years.

❖LOCAL GOVERNMENTS: Local ATC boards may not realize costs or savings but the ATC budget will show total compensation paid to an ATC superintendent.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons; the ATC budget will now accurately reflect the ATC superintendent's total compensation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for ATC budgets to now reflect total compensation to ATC superintendents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

**R277. Education, Administration.
R277-904. Applied Technology Center and Service Region Standards and Operating Procedures.**

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R277-904-4. Governance.

A. The Board shall:

(1) develop a statewide system of applied technology including centers (ATCs) with state-supported facilities and service regions (ATCSRs) in regions where facilities are provided by school districts or higher education institutions or both;

(2) adopt policies and procedures for the management of applied technology centers;

(3) appoint ATC boards for the day-to-day operation of applied technology instruction in the ATCs;

(4) determine statewide ATC needs and submit annual recommendations and funding requests to the Legislature;

(5) in consultation with each ATC board, appoint and fix the salary, vehicle allowance and all other forms of compensation of an executive officer (the ATC superintendent) for each ATC who will serve at the pleasure of the Board and the applied technology center board;

(6) coordinate with the Utah State Board of Regents through the Joint Liaison Committee to plan and operate ATCSRs in regions without ATCs to;

(a) adopt policies and procedures for the management of applied technology centers service regions;

(b) appoint ATCSR boards for the day-to-day operation of applied technology instruction in the service regions;

(c) determine statewide ATCSR needs and submit annual recommendations and funding requests to the Legislature; and

(d) in consultation with each ATCSR board, appoint and fix the salary of an executive officer (the ATCSR director) for each ATCSR who will serve at the pleasure of the Board and the Board of Regents and the applied technology center service region board.

B. The ATC/ATCSR boards shall:

(1) participate with other applied technology education providers within the region (including school districts and higher education institutions) to develop an annual regional master plan for delivering applied technology center programs and services for approval by the Board and the State Board of Regents through the Joint Liaison Committee;

(2) function according to rules and procedures set by the Board;

(3) function according to rules and procedures set by the State Board of Regents as coordinated through the Joint Liaison Committee.

C. ATC/ATCSR Board Composition

(1) ATC boards shall:

(a) establish two-year terms for board members with a reappointment schedule designed to maintain continuity of the ATC board;

(b) recommend potential ATC board members to the Board;

(c) include:

(i) at least one member of the local board of education from each school district located within the ATC region;

(ii) and may include a representative of each higher education institution within the region; and

(iii) representation by at least two individuals who are employers or represent business and industry located within the region. ATC board members who are elected school board members or trustees and also are employers or business and industry representatives may be counted as satisfying this requirement.

(iv) other board members may be appointed by the Board as necessary to ensure the effective and efficient operation of the ATC board.

(d) at least annually, provide recommendations to the Board regarding performance and subsequent salary adjustments for the ATC executive officer according to criteria developed by the Board;

(e) annually elect a chairperson and vice chair from the board's membership.

(2) ATCSR boards shall:

(a) establish two-year terms for board members with a reappointment schedule designed to maintain continuity of the ATCSR board;

(b) recommend potential ATCSR board members to the Board;

(c) include:

(i) the superintendent or his designee of each school district in the region;

(ii) the president or his designee of each higher education institution located in the region; and

(iii) at least two individuals who are employers or represent business and industry located within the region. ATCSR board members who are elected school board members, trustees, or designees and also are employers or business and industry representatives may be counted as satisfying this requirement.

(d) also be recommended to the State Board of Regents through the Joint Liaison Committee;

(e) at least annually, provide recommendations to the Board regarding performance and subsequent salary adjustments for the ATCSR executive officer according to criteria developed by the Board;

(f) also provide recommendations to the Utah State Board of Regents through the Joint Liaison Committee regarding performance and salary adjustments for the executive officer;

(g) annually elect a chairperson and vice chair from the board's membership.

D. The ATC superintendent or ATCSR director shall:

(1) serve as the executive officer of the ATC/ATCSR board;
(2) administer the day-to-day operation of the applied technology center or service region under the policies and rules of the ATC/ATCSR board and the Board; and

(3) be accountable to the ATC/ATCSR board and the Board in meeting established goals;

(4) shall, in the case of the ATCSR directors, also be accountable to the State Board of Regents through the Joint Liaison Committee.

E. Unless reserved by the Board, the ATC/ATCSR board shall:

(1) be the immediate local authority for each applied technology center or service region;

(2) develop policies for the operation of the ATC/ATCSR;

(3) appoint and fix the salary of all employees, except the executive officer;

(4) adopt and administer an annual budget and fund balances;

(5) submit an annual appropriations request to the Board through the Joint Liaison Committee;

(6) in the case of ATCSRs, also submit an annual appropriations request to the Utah State Board of Regents through the Joint Liaison Committee;

(7) conduct annual program evaluations

(8) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;

(9) enact bylaws for self-government, including provisions for board organization and a schedule of regular meetings; and

(10) approve regulations, both regular and emergency, to be issued and executed by the executive officer.

(11) approve or reject center processes and arrangements including:

(a) facility, students, employee organizations, rules and regulation;

(b) instruction, examination, admission, and classification of students;

(c) necessary and proper exercise of authority not specifically denied the ATC/ATCSR by law or by rules of the Board or the Board of Regents.

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KEY: adult education, applied technology education*

[March 3, 2000

Notice of Continuation October 20, 1997

Art X Sec 3

53A-15-203

53A-1-501

53A-1-401(3)



Environmental Quality, Radiation Control

R313-28

Use of X-Rays in the Healing Arts

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23224

FILED: 10/16/2000, 14:23

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To reduce the likelihood of individuals operating diagnostic X-ray equipment without proper training.

SUMMARY OF THE RULE OR CHANGE: It is proposed to add the definition, "operator of diagnostic x-ray equipment" to the rules. Thus, clarifying the responsible individual who is to receive training in the safe and effective use of the equipment. It is also proposed to add a subsection, R313-28-350(1), to the rules. This will require the registrant to have documentation demonstrating the operator has received training and information for selecting appropriate technique factors and in following the facility's safety policies and procedures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost impact--the two new changes require no additional action by the Division of Radiation Control to implement.

❖**LOCAL GOVERNMENTS:** No cost impact--local government does not regulate the operators of X-ray equipment.

❖**OTHER PERSONS:** There may be a slight cost increase to users of diagnostic X-ray equipment in preparing documentation that demonstrates the operator's of equipment have been trained.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be a slight cost increase to users of diagnostic X-ray equipment in preparing documentation that demonstrates the operators of the equipment have been trained.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The two new rules may

cause a slight increase in costs to the users of diagnostic X-ray equipment in preparing documentation that will demonstrate the operator's of the equipment have been trained. Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Richard Sanborn at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at rsanborn@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2000

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.

R313-28. Use of X-Rays in the Healing Arts.

R313-28-20. Definitions.

As used in R313-28, the following definitions apply:

"Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

"Actual focal spot" refer to "Focal spot."

"Aluminum equivalent" means the thickness of aluminum, type 1100 alloy, affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

"Assembler" means individuals engaged in the business of assembling, replacing, or installing one or more components into an x-ray system or subsystem. The term includes the owner of an x-ray system or his or her employee or agent if they assemble components into an x-ray system that is subsequently used to provide professional or commercial services.

"Attenuation block" means a block or stack, having appropriate dimensions 20 cm by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

"Automatic EXPOSURE control" means a device which automatically controls one or more technique factors in order to obtain, at a preselected location, a required quantity of radiation. Phototimer and ion chamber devices are included in this category.

"Barrier" refer to "Protective barrier".

"Beam axis" means a line from the source through the centers of the x-ray fields.

"Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field.

"Certified components" means components of x-ray systems which are subject to regulations promulgated under Public Law 90-602, the Radiation Control for Health and Safety Act of 1968.

"Certified system" means an x-ray system which has one or more certified components.

"Changeable filters" means filters designed to be removed by the operator.

"Coefficient of variation (C)" means the ratio of the standard deviation to the mean value of a population of observations.

"Computed tomography" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Control panel" means that part of the x-ray control upon which are mounted the switches, knobs, push buttons, and other hardware necessary for setting the technique factors.

"Cooling curve" means the graphical relationship between heat units stored and cooling time.

"CT" means computed tomography.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures and frames which house these components.

"Dead-man switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

"Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

"Diagnostic x-ray system" means an x-ray system designed for irradiation of part of the human body for the purpose of recording or visualization for diagnostic purposes.

"Entrance EXPOSURE rate" means the EXPOSURE free in air per unit time at the point where the useful beam enters the patient.

"Equipment" refer to "X-ray equipment".

"Field emission equipment" means equipment which uses an x-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

"Filter" means material placed in the useful beam to absorb preferentially selected radiations.

"Fluoroscopic imaging assembly" means a subsystem in which x-ray photons produce a fluoroscopic image. It includes equipment housing, electrical interlocks, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

"Focal spot" means the area on the anode of the x-ray tube bombarded by the electrons accelerated from the cathode and from which the useful beam originates. Also referred to as "Actual focal spot."

"Gonad shield" means a protective barrier for the testes or ovaries.

"Half-value layer or HVL" means the thickness of specified material which attenuates the beam of radiation to an extent that the EXPOSURE rate is reduced to one-half of its original value. In this definition, the contribution of scatter radiation, other than that which might be present initially in the beam concerned, is deemed to be excluded.

"Healing arts screening" means the testing of a human population which is asymptomatic for the disease for which the screening is being performed. Excluded from this definition are those individuals whose risk factors for the disease are greater than for the population at large".

"Heat unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes, and seconds: for example, kVp times mA times seconds.

"HVL" refer to "half value layer."

"Image intensifier" means a device installed in its housing which instantaneously converts an x-ray pattern into a light image of higher energy density.

"Image receptor" means a device, for example, a fluorescent screen radiographic film, solid state detector, or gaseous detector, which transforms incident x-ray photons to produce a visible image or stores the information in a form which can be made into a visible image. In those cases where means are provided to preselect a portion of the image receptor, the term "image receptor" shall mean the preselected portion of the device.

"Irradiation" means the exposure of matter to ionizing radiation.

"Kilovolts peak" refer to "Peak tube potential".

"kV" means kilovolts.

"kVp" refer to "Peak tube potential."

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means radiation emanating from the diagnostic source assembly except for:

(a) the useful beam, and

(b) radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors associated with the diagnostic source assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being ten millicoulombs, ten milliamperes seconds, or the minimum obtainable from the unit, whichever is larger.

(b) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in an hour for operation at the maximum-rated peak tube potential.

(c) For other diagnostic source assemblies, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

"Light field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

"mA" means tube current in milliamperes.

"mAs" means milliamperes second or the product of the tube current in milliamperes and the time of exposure in seconds.

"Mammography imaging medical physicist" means an individual who conducts mammography surveys of mammography facilities.

"Mammography survey" means an evaluation of x-ray imaging equipment and oversight of a mammography facility's quality control program.

"Mobile x-ray equipment" refer to "X-ray equipment".

"Multiple scan average dose" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a CT x-ray system.

"New installation" means change, modification or relocation of new or existing shielding or equipment.

"Operator of diagnostic x-ray equipment" means either:

(a) The individual responsible for insuring that the appropriate technique factors are set on the x-ray equipment, or

(b) The individual who makes the radiation exposure.

"Patient" means an individual subjected to healing arts examination, diagnosis, or treatment.

"PBL" refer to "Positive beam limitation."

"Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

"Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

"PID" refer to "Position indicating device."

"Portable x-ray equipment" refer to "X-ray equipment".

"Position indicating device (PID)" means a device, on dental x-ray equipment which indicates the beam position and establishes a definite source-surface (skin) distance. The device may or may not incorporate or serve as a beam-limiting device.

"Positive beam limitation" means the automatic or semi-automatic adjustment of an x-ray beam to the size of the selected image receptor, whereby exposures cannot be made without such adjustment.

"Primary beam scatter" means scattered radiation which has been deviated in direction or energy by materials irradiated by the primary beam.

"Primary protective barrier" refer to "Protective barrier".

"Protective apron" means an apron made of radiation absorbing materials, used to reduce radiation exposure.

"Protective barrier" means a barrier of radiation absorbing material used to reduce radiation exposure.

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation exposure for protection purposes.

(b) "Secondary protective barrier" means the material which attenuates stray radiation.

"Protective glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.

"Radiation therapy simulation system" means a radiographic or fluoroscopic x-ray system intended for localizing the volume to be exposed during radiation therapy and for confirming the position and size of the therapeutic irradiation field.

"Radiograph" means an image receptor on which the image is created directly or indirectly by an x-ray pattern and results in a permanent record.

"Rating" means the operating limits of an x-ray system or subsystem as specified by the component manufacturer.

"Recording" means producing a permanent form of an image resulting from x-ray photons.

"Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient with respect to the computer tomographic x-ray system between successive scans measured along the direction of such displacement.

"Scattered radiation" means radiation that, during passage through matter, has been deviated in direction, energy or both direction and energy. Also refer to "Primary Beam Scatter".

"Shutter" means a device attached to the tube housing assembly which can intercept the entire cross sectional area of the useful beam and which has a lead equivalency at least that of the tube housing assembly.

"SID" refer to "Source-image receptor distance".

"Source" means the focal spot of the x-ray tube.

"Source to image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Special purpose x-ray system" means that which is designed for irradiation of specific body parts.

"Spot film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

"Spot film device" means a device intended to transport or position a radiographic image receptor between the x-ray source and fluoroscopic image receptor, including a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

"SSD" means the distance between the source and the skin entrance plane of the patient.

"Stationary x-ray equipment" refer to "X-ray equipment".

"Stray radiation" means the sum of leakage and scattered radiation.

"Technique factors" means the following conditions of operation.

(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.

(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of x-ray pulses.

(c) For other equipment, peak tube potential in kV and either;

(i) the tube current in mA and exposure time in seconds, or

(ii) the product of tube current and exposure time in mAs.

"Termination of irradiation" means the stopping of irradiation in a fashion which will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Tube" means an x-ray tube, unless otherwise specified.

"Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers and other appropriate elements when they are contained within the tube housing.

"Tube rating chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

"Useful beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam limiting device when the switch or timer is activated.

"Visible area" means that portion of the input surface of the image receptor over which incident x-ray photons are producing a visible image.

"X-ray exposure control" means a device, switch, button, or other similar means by which an operator initiates or terminates the radiation exposure. The x-ray exposure control may include associated equipment, for example, timers and back-up timers.

"X-ray equipment" means an x-ray system, subsystem, or component thereof. Types of x-ray equipment are as follows:

(a) "Mobile" means x-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

(b) "Portable" means x-ray equipment designed to be hand-carried.

(c) "Stationary" means x-ray equipment which is installed in a fixed location.

"X-ray field" means that area of the intersection of the useful beam and one of the sets of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the EXPOSURE rate is one-fourth of the maximum in the intersection.

"X-ray high-voltage generator" means a device which transforms electrical energy from the potential supplied by the x-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the x-ray tube high-voltage switches, electrical protective devices, and other appropriate elements.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

"X-ray tube" means an electron tube which is designed to be used primarily for the production of x-rays.

R313-28-350. Qualifications of Operators.

Operators of diagnostic x-ray systems must be licensed to practice in Utah in accordance with Title 58 Chapter 54.

(1) The registrant shall document that the operator of diagnostic x-ray equipment is trained in the proper choice of technique factors to be used and in the safe and effective operation of the x-ray equipment.

KEY: dental, x-ray, mammography, beam limitation

[August 13, 1999]2000

19-3-104

Notice of Continuation May 1, 1997

◆ ————— ◆

**Health, Health Systems Improvement,
Emergency Medical Services
R426-8
Emergency Medical Services Per
Capita Grants Program Rules**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23202

FILED: 10/12/2000, 09:09

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The new Emergency Medical Services (EMS) Systems Act (Title 26, Chapter 8a) states that per capita grants are to be distributed by the Department and competitive grants are awarded by the committee. We have separated the grants programs into two sets of rules, Per Capita Grants Program Rules and Competitive Grants Program Rules. The new statute also says "primary" agencies that are for-profit agencies may receive per capita funding. We have clarified what "primary" agencies are.

SUMMARY OF THE RULE OR CHANGE: The change will clarify what a "primary" emergency medical service provider is for the purpose of per capita grants. The rule change will make a for-profit agency eligible for per capita grant funds, if in the geographical service area they serve, they are licensed at a higher level than the public provider. The for-profit agency would be eligible to receive per capita funds for personnel currently certified at the higher level. The rules also require agencies to be current in their accounts receivable owed to the Department of Health.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost to the Bureau by changing this proposed rule. This program is a grants program and the Bureau administers the program to local EMS agencies.

❖LOCAL GOVERNMENTS: There will be no cost to local government for these changes. This is a grants program and gives grant monies to local government to be spent in their EMS programs. However, because the non-profit agencies are now eligible for per capita funds, agencies in Uintah County and Washington County will receive less money in per capita funds. Other counties will not be affected at the present time. This proposed change was brought about by the revision in the Emergency Medical Services Systems Act (Title 26, Chapter 8a) that allows for-profit agencies to be eligible for per capita funds if they are the primary agency.

❖OTHER PERSONS: This program will now be available for for-profit agencies who are the primary agency in their respective geographical area to request grant funds. The program will not cost them anything, but could help them significantly in providing emergency medical services to the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to anyone in order to comply with the proposed rule change because it is a grants program because the money is granted to agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no additional costs to anyone in order to comply with the

proposed rule change because it is a grants program because the money is granted to agencies.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.**R426-8. Emergency Medical Services Per Capita Grants Program Rules.****R426-8-1. Authority and Purpose.**

(1) This rule is established under Title 26 chapter 8a.

(2) The purpose of this rule provides guidelines for the equitable distribution of per capita grant funds specified under the Emergency Medical Services Grants Program.

R426-8-2. Eligibility.

(1) Per capita grants are available only to licensed EMS ambulance and paramedic services, and designated first response unit and dispatch providers that are:

(a) agencies or political subdivisions of local or state government or incorporated non-profit entities; or

(b) for-profit emergency medical service providers that are the primary emergency medical service provider for a service area.

(2)(a) A for-profit emergency medical service provider is a primary emergency medical service provider in a geographical service area if it is licensed for and provides service at a higher level than the public or non-profit provider;

(b) The levels of emergency medical service providers are in this rank order:

(A) Paramedic rescue;

(B) Paramedic ambulance;

(C) EMT-Intermediate;

(D) EMT-IV; and

(E) EMT-Basic.

(c) Paramedic interfacility transfer ambulance, EMT-Interfacility ambulance transport, or paramedic tactical rescue units are not eligible for per capita funding because they cannot be the

primary emergency medical services provider for a geographical service area.

(3) Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period. If a potential grantee owes the Department money, and the grantee's account is more than six months old, the Department may withhold payment of grant funds until such account is paid in full.

R426-8-3. Grant Implementation.

(1) Per Capita grants are available for use specifically related to the provision of emergency medical services.

(2) Grant awards are effective on July 1 and must be used by June 30 of the following year. No extensions will be given.

(3) Grant funding is on a reimbursable basis after presentation of documentation of expenditures which are in accordance with the approved grant awards budget.

(4) No matching funds are required for per capita grants.

(5) Per capita funds may be used as matching funds for competitive grants.

R426-8-4. Application and Award Formula.

(1) Grants are available to eligible providers that complete a grant application by the deadline established annually by the Department.

(2) Agency applicants shall certify agency personnel rosters as part of the grant application process.

(a) A certified individual who works for both a public and a for-profit agency may be credited only to the public or non-profit licensee or designee.

(b) Certified individuals may be credited for only one agency per county.

(c) Certified individuals who work for providers that cover multiple counties may be credited only for the county where the certified person lives.

(d) The Department shall determine the amounts of the per capita grants by prorating available funds on a per capita basis by county.

(3) The Department shall allocate funds to licensed and designated ambulance and paramedic providers, designated dispatch agencies and designated first response units by using the following point totals for their personnel: certified Dispatchers = 1; certified Basic EMTs and EMT-IVs = 2; certified Intermediate EMTs = 3; and certified Paramedics = 4. The number of certified personnel is based upon the personnel rosters of each licensed EMS provider, designated dispatch agency and designated first response unit as of January 1 immediately prior to the grant year, which begins July 1.

**KEY: emergency medical services
2000**

26-8a



Insurance, Administration
R590-201
Catastrophic Coverage of Mental
Health Conditions

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 23205

FILED: 10/12/2000, 16:38

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose is to set compliance standards by rule for catastrophic mental health conditions.

SUMMARY OF THE RULE OR CHANGE: The summary of the rule is to explain the complete guidelines for catastrophic mental health insurance and the conditions in which the insurer and employer offer these benefits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-22-625, and 31A-22-720

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes in this rule will require insurers to change their policy rates and forms which will increase the amount of fees coming into the department and will require additional work on the part of the Department staff but will not require additional personnel. Currently there are approximately 214 health insurers doing business in Utah. This rule will require each of these insurers to file a rate and form filing with the department for \$20 a filing.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: Active health insurers will need to pay the \$20 filing fee to show the change in their rates and forms. They should not need to hire additional people. There will be an increase in claim payments. Insureds who use this product will see a slight premium increase.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Active health insurers will need to pay the \$20 filing fee to show the change in their rates and forms. They should not need to hire additional people. There will be an increase in claim payments. Insureds who use this product will see a slight premium increase.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be an impact to insurers and insureds. If the employer chooses catastrophic mental health the employee will benefit from the increased benefits, however, will substitute those benefits with increased premiums.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/21/2000, 2:00 p.m., Room 1112, State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-201. Catastrophic Coverage of Mental Health Conditions.****R590-201-1. Purpose and Authority.**

This rule is promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. The authority to set compliance standards by rule for catastrophic coverage of mental health conditions is provided in Sections 31A-22-625 and 31A-22-720.

R590-201-2. Application and Scope.

(1) This rule shall apply to all health care insurers that offer health care insurance:

(a) as part of a health maintenance organization that is governed under Title 31A, Chapter 8, that is issued or renewed on or after January 1, 2001;

(b) as part of a health insurance policy not governed under Title 31A, Chapter 8, that is issued or renewed on or after July 1, 2001; and

(c) examples of catastrophic mental health coverage effective dates for Subsection (1)(a)(b) are available in Bulletin 2000-1.

(2) This section does not apply to the purchase or renewal of an individual insurance policy or contract.

(3) Notwithstanding (2), nothing in this rule may be construed as discouraging or otherwise preventing insurers from continuing to provide mental health coverage in connection with an individual policy or contract.

(4) This rule does apply to:

(a) substance abuse, Subsection 31A-22-720(4)(a)(i);

(b) chemical dependency, Subsection 31A-22-720(4)(a)(ii);

and

(c) employee groups of less than 50 employees, Subsection 31A-22-720(5)(a).

R590-201-3. Definitions.

For purposes of this rule, the commissioner adopts the definitions as particularly set forth in Subsection 31A-22-625(1), as well as the following.

"Health care insurance" means insurance providing health care benefits or payment of health care expenses incurred. Health care insurance does not include accident and health insurance providing benefits for:

(1) dental, vision and prescription;

(2) income replacement;

(3) short term accident;

(4) fixed indemnity;

(5) credit accident and health;

(6) supplements to liability;

(7) workers compensation;

(8) automobile medical payments;

(9) no fault automobile;

(10) equivalent self-insurance;

(11) any type of accident and health insurance that is a part of or attached to another type of policy; and

(12) medicare supplement plans.

R590-201-4. Compliance Standards and General Provisions as Defined by Section 31A-22-625.

(1) Small Employers.

(a) At the time of purchase and renewal, an insurer may offer to each small employer that it insures a choice between catastrophic mental health coverage, 50/50 mental health coverage, and coverage that excludes benefits for mental health conditions.

(b) In addition to (1) an insurer may provide catastrophic mental health coverage, 50/50 mental health coverage, or both at levels that exceed the minimum requirements of this section.

(c) A small employer may, at its option, choose either catastrophic mental health coverage, 50/50 mental health coverage, coverage offered under Subsection (1)(a), or coverage that excludes benefits for mental health conditions, regardless of the employer's previous coverage for mental health conditions.

(d) An insurer is exempt from the 30% index rating restrictions in Subsection 31A-30-106(1)(b) and, for the first year only that catastrophic mental health coverage is chosen, the 15% annual adjustment restriction in Subsection 31A-30-106(1)(c)(ii), for any small employer with 20 or less enrolled employees who chooses coverage that meets or exceeds catastrophic mental health coverage.

(2) Large Employers.

(a) At the time of purchase and renewal, an insurer shall offer to each large employer that it insures, or seeks to insure, a choice between catastrophic mental health coverage and coverage that excludes benefits for mental health conditions.

(b) In addition to (2)(a) an insurer may provide catastrophic mental health coverage at levels that exceed the minimum requirements of this section.

(c) A large employer may, at its option, choose either catastrophic mental health coverage, coverage offered under Subsection (2)(a), or coverage that excludes benefits for mental health conditions, regardless of the employer's previous coverage for mental health conditions.

(3) Managed Care.

An insurer may provide catastrophic mental health coverage through a managed care organization or system in a manner consistent with the provisions in Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans, regardless of whether the policy or contract uses a managed care organization or system for the treatment of physical health conditions.

(a) Notwithstanding any other provision of Title 31A, an insurer may:

(i) establish a closed panel of providers for catastrophic mental health coverage; and

(ii) refuse to provide any benefit to be paid for services rendered by a nonpanel provider unless:

(A) the insured is referred to a nonpanel provider with the prior authorization of the insurer; and

(B) the nonpanel provider agrees to follow the insurer's protocols and treatment guidelines.

(b) If an insured receives services from a nonpanel provider in the manner permitted by Subsection (3)(a)(ii), the insurer shall reimburse the insured for not less than 75% of the average amount paid by the insurer for comparable services of panel providers under a noncapitated arrangement who are members of the same class of health care provider.

(c) Nothing in this Subsection (3) may be construed as requiring an insurer to authorize a referral to a nonpanel provider.

(4) Eligibility.

To be eligible for catastrophic mental health coverage, a diagnosis or treatment of a mental health condition must be rendered:

(a) by a mental health therapist as defined in Section 58-60-102; or

(b) in a health care facility licensed or otherwise authorized to provide mental health services pursuant to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, or Title 62A, Chapter 2, Licensure of Programs and Facilities, that provides a program for the treatment of a mental health condition pursuant to a written plan.

R590-201-5. Severability.

If a provision or clause of this rule or its application to any person or situation is held invalid, such validity shall not affect any other provisions or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: insurance
2000**

**31A-2-201
31A-22-625
31A-22-720**

**Labor Commission, Industrial
Accidents
R612-1-10
Permanent Total Disability**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23223
FILED: 10/16/2000, 12:57
RECEIVED BY: NL**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed amendment is to clarify procedures for adjudication of claims for permanent total disability compensation under the Utah Workers' Compensation Act, as amended effective May 1, 1995.

SUMMARY OF THE RULE OR CHANGE: Effective July 1, 1994, the Utah Legislature amended Section 34A-2-413 (H.B. 310) to, among other things, require the commencement of compensation payments to injured workers upon the Labor Commission's preliminary findings that such workers were permanently and totally disabled. The following year, the Legislature again amended Section 34A-2-413 (S.B. 123) to establish new standards and procedures for adjudication of permanent total disability claims arising on or after May 1, 1995. The proposed rule amendment updates the Commission's Rule R612-1-10 to reflect these legislative changes.

First, the proposed amendment clarifies the scope of the existing rule, which applies to claims arising before May 1, 1995. The amendment generally leaves the existing rule language in place, but corrects incorrect references to effective dates. The amendment also conforms the existing language of the rule to the current statute by removing references to the Utah State Office of Rehabilitation. The amendment also modifies the existing rule by recognizing the Legislature's action in 1994 to require payment of compensation to injured workers upon a preliminary findings of permanent total disability.

Second, the proposed amendment adds procedural guidelines to the existing rule as are necessary to resolve permanent total disability claims arising under the statutory amendments that became effective on May 1, 1995. Specifically, the proposed amendment describes the two-step process now required for adjudication of permanent total disability claims. The amendment clarifies the availability of agency and judicial review at each step of the process and the time at which payment of compensation must begin. The amendment also clarifies the application of Subsection 34A-2-413(4)(b)'s 312-week liability limitation and establishes methods for resolving disputes regarding employer or insurance carrier offsets arising under that provision.

(DAR Note: H.B. 310 can be found at 1994 Utah Laws 266, and was effective July 1, 1994. S.B. 123 can be found at 1995 Utah Laws 177, and was effective May 1, 1995.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101 et seq., 34A-3-101 et seq., 34A-1-104 et seq., and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The requirements established by the 1994 and 1995 amendments to Section 34A-2-413, as reflected by the proposed amendment, may impose additional demands on the Labor Commission's Adjudication Division. For the time being, the Commission believes these additional demands can be absorbed without additional staff.

State government, as an employer subject to the Workers' Compensation Act, may experience higher expenses in adjudicating the permanent total disability claims of its employees. Particularly, costs of adjudication and voluntary rehabilitation may increase. However, because more injured workers are expected to return to gainful employment, the State's costs for long-term permanent total disability compensation should decline. On balance, the Commission anticipates minimal net costs or savings to the State budget.

❖LOCAL GOVERNMENTS: Local government, as an employer subject to the Workers' Compensation Act, may experience higher expenses in adjudicating the permanent total disability claims of its employees. Particularly, costs of adjudication and voluntary rehabilitation may increase. However, because more injured workers are expected to return to gainful employment, local government's costs for long-term permanent total disability compensation should decline. On balance, the Commission anticipates minimal net costs or savings to local government.

❖OTHER PERSONS: The statutory changes reflected in the proposed rule should provide injured workers with increased rehabilitation and reemployment assistance. Although results will vary according to individual circumstances, injured workers as a group should benefit financially from a quicker return to gainful employment.

Employers subject to the Workers' Compensation Act, may experience higher expenses in adjudicating the permanent total disability claims of its employees. Particularly, costs of adjudication and voluntary rehabilitation may increase. However, because more injured workers are expected to return to gainful employment, employers' costs for long-term permanent total disability compensation should decline. On balance, the Commission anticipates minimal net costs or savings to employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Statutory changes in 1994 and 1995, as reflected in the proposed amendment, do not change the overall liability of employers for permanent total disability compensation. Furthermore, although the statute and proposed amendment permit employers to propose rehabilitation and reemployment plans for injured workers, employers are not required to submit such plans. Consequently, the Commission does not believe the proposed amendment will impose any additional compliance costs of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Legislative amendments to Section 34A-2-413 in 1994 and 1995 were intended to encourage rehabilitation and reemployment of injured workers, thereby allowing injured workers to return to gainful employment and enjoy a higher standard of living, while at the same time reducing employers' long term liability for workers' compensation disability payments. Consequently, over time, the proposed amendment is expected to have a favorable fiscal impact on businesses by reducing their workers' compensation costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Labor Commission
Industrial Accidents

Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146610
Salt Lake City, UT 84114-6610, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-1. Workers' Compensation Rules - Procedures.

R612-1-10. Permanent Total Disability.

A. This rule applies to claims for permanent total disability compensation under the Utah Workers' Compensation Act.

1. Subsection B applies to permanent total disability claims arising from accident or disease prior to May 1, 1995.

2. Subsection C applies to permanent total disability claims arising from accident or disease on or after May 1, 1995.

~~[A.]~~B. For claims arising from accident or disease on or after July 1, 1988 and prior to May 1, 1995, [prior to July 1, 1994,] the Commission is required under Section 34A-2-413, to make a finding of total disability as measured by the substance of the sequential decision-making process of the Social Security Administration under Title 20 of the Code of Federal Regulations, amended April 1, 1993. The use of the term "substance of the sequential decision-making process" is deemed to confer some latitude on the Commission in exercising a degree of discretion in making its findings relative to permanent total disability. The Commission does not interpret the code section to eliminate the requirement that a finding by the Commission in permanent and total disability shall in all cases be tentative and not final until rehabilitation training and/or evaluation has been accomplished.

~~[B.]~~1. In the event that the Social Security Administration or its designee has made, or is in the process of making, a determination of disability under the foregoing process, the Commission may use this information in lieu of instituting the process on its own behalf.

~~[C.]~~2. In evaluating industrial claims in which the injured worker has qualified for Social Security disability benefits, the Commission will determine if a significant cause of the disability is the claimant's industrial accident or some other unrelated cause or causes.

~~[D.]~~3. To make a tentative finding of permanent total disability the Commission incorporates the rules of disability determination in 20 CFR 404.1520, amended April 1, 1993. The sequential decision making process referred to requires a series of questions and evaluations to be made in sequence. In short, these are:

~~[1.]~~a. Is the claimant engaged in a substantial gainful activity?

~~[2-]b.~~ Does the claimant have a medically severe impairment?

~~[3-]c.~~ Does the severe impairment meet or equal the duration requirement in 20 CFR 404.1509, amended April 1, 1993, and the listed impairments in 20 CFR Subpart P Appendix 1, amended April 1, 1993?

~~[4-]d.~~ Does the impairment prevent the claimant from doing past relevant work?

~~[5-]e.~~ Does the impairment prevent the claimant from doing any other work?

~~[E-]4.~~ After the Commission has made a tentative finding of permanent total disability~~[-];~~ ~~the applicant shall be referred to the Utah State Office of Rehabilitation for evaluation and rehabilitation work-up. If the Utah State Office of Rehabilitation determines that the applicant is unable to do any other work because of his age, education, and previous work experience, and as a result of an industrial accident, there shall be a hearing to review the determination of the Utah State Office of Rehabilitation and any objections thereto, unless the parties waive the right to a hearing.]~~

~~a.~~ In those cases arising after July 1, 1994, the Commission shall order initiation of payment of permanent total disability compensation;

~~b.~~ the Commission shall review a summary of reemployment activities undertaken pursuant to the Utah Injured Worker Reemployment Act, as well as any qualified reemployment plan submitted by the employer or its insurance carrier; and

~~c.~~ unless otherwise stipulated, the Commission shall hold a hearing to consider the possibility of rehabilitation and reemployment of the claimant pending final adjudication of the claim.

~~[F-]5.~~ After a hearing, or waiver of the hearing by the parties, the Commission shall issue an order finding or denying permanent total disability based upon the preponderance of the evidence and with due consideration of the vocational factors in combination with the residual functional capacity which the commission incorporates as published in 20 CFR 404 Subpart P Appendix 2, amended April 1, 1993.

~~C.~~ For permanent total disability claims arising on or after May 1, 1995, Section 34A-2-413 requires a two-step adjudicative process. First, the Commission must make a preliminary determination whether the applicant is permanently and totally disabled. If so, the Commission will proceed to the second step, in which the Commission will determine whether the applicant can be reemployed or rehabilitated.

~~1.~~ First Step– Preliminary Determination of Permanent Total Disability: On receipt of an application for permanent total disability compensation, the Adjudication Division will assign an Administrative Law Judge to conduct evidentiary proceedings to determine whether the applicant's circumstances meet each of the elements set forth in Subsections 34A-2-413(1)(b) and (c).

~~(a)~~ If the ALJ finds the applicant meets each of the elements set forth in Subsections 34A-2-413(1)(b) and (c), the ALJ will issue a preliminary determination of permanent total disability and shall order the employer or insurance carrier to pay permanent total disability compensation to the applicant pending completion of the second step of the adjudication process.

~~(b)~~ A party dissatisfied with the ALJ's preliminary determination may obtain additional agency review by either the Labor Commissioner or Appeals Board pursuant to Subsection 34A-2-801(3).

~~(c)~~ A preliminary determination of permanent total disability by the Labor Commissioner or Appeals Board is a final agency action for purposes of appellate judicial review.

~~(i)~~ An appeal of the Labor Commissioner or Appeals Board's preliminary determination of permanent total disability shall not delay the commencement of payment of permanent total disability compensation as ordered by the preliminary determination, unless such payment order is stayed by the Labor Commissioner, Appeals Board, or appellate court.

~~(ii)~~ an appeal of the preliminary determination shall not delay the "second step" proceedings discussed below, unless such second step proceeding is stayed by the Labor Commission, Appeals Board, or appellate court.

~~(d)~~ The payment of permanent total disability compensation pursuant to a preliminary determination shall commence as of the date established by the preliminary determination and shall continue until otherwise ordered.

~~2.~~ Second Step–Reemployment and Rehabilitation: Pursuant to Subsection 34A-2-413(6), if the first step of the adjudicatory process results in a preliminary finding of permanent total disability, an additional inquiry must be made into the applicant's ability to be reemployed or rehabilitated, unless the parties waive such additional proceedings.

~~(a)~~ The ALJ will hold a hearing to consider whether the applicant can be reemployed or rehabilitated.

~~(i)~~ As part of the hearing, the ALJ will review a summary of reemployment activities undertaken pursuant to the Utah Injured Worker Reemployment Act;

~~(ii)~~ The employer or insurance carrier may submit a reemployment plan meeting the requirements set forth in Subsection 34A-2-413(6)(a)(ii) and Subsections 34A-2-413(6)(d)(i) through (iii).

~~(b)~~ Pursuant to Subsection 34A-2-413(4)(b) the employer or insurance carrier may not be required to pay disability compensation for any combination of disabilities of any kind in excess of the amount of compensation payable over the initial 312 weeks at the applicable permanent total disability compensation rate.

~~(i)~~ Any overpayment of disability compensation may be recouped by the employer or insurance carrier by reasonably offsetting the overpayment against future liability paid before or after the initial 312 weeks.

~~(ii)~~ An advance of disability compensation to provide for the employee's subsistence during the rehabilitation process is subject to the provisions of Subsection 34A-2-413(4)(b), described in subsection 2.(b) above, but can be funded by reasonably offsetting the advance of disability compensation against future liability normally paid after the initial 312 weeks.

~~(iii)~~ To fund an advance of disability compensation to provide for an employee's subsistence during the rehabilitation process, a portion of the stream of future weekly disability compensation payments may be discounted from the future to the present to accommodate payment. Should this be necessary, the employer or insurance carrier shall be allowed to reasonably offset the amounts paid against future liability payable after the initial 312 weeks. In this process, care should be exercised to reasonably minimize adverse financial impact on the employee.

(iv) In the event the parties cannot agree as to the reasonableness of any proposed offset, the matter may be submitted to an ALJ for determination.

(c) Subsections 34A-2-413(7) and (9) require the applicant to fully cooperate in any evaluation or reemployment plan. Failure to do so may result in dismissal of the applicant's claim or reduction or elimination of benefit payments including disability compensation and subsistence allowance amounts.

(d) Subsection 34A-2-413(6) requires the employer or its insurance carrier to diligently pursue any proffered reemployment plan. Failure to do so may result in a final award of permanent total disability compensation to the applicant.

(e) If, after the conclusion of the foregoing "second step" proceeding, the ALJ concludes that successful rehabilitation is not possible, the ALJ shall enter a final order for continuing payment of permanent total disability compensation. The period for payment of such compensation shall be commence on the date the employee became permanently and totally disabled, as determined by the ALJ.

(f) Alternatively, if after the conclusion of the "second step" proceeding, the ALJ concludes that successful rehabilitation and/or reemployment is possible, the ALJ shall enter a final order to that effect, which order shall contain such direction to the parties as the ALJ shall deem appropriate for successful implementation and continuation of rehabilitation and/or reemployment. As necessary under the particular circumstances of each case, the ALJ's final order shall provide for reasonable offset of payments of any disability compensation that constitute an overpayment under Subsection 34A-2-413(4)(b).

(g) The ALJ's decision is subject to all administrative and judicial review provided by law.

KEY: workers' compensation, time, administrative procedure, filing deadlines

[December 2, 1999]2000 34A-2-101 et seq.
Notice of Continuation November 24, 1997 34A-3-101 et seq.
34A-1-104 et seq.
63-46b-1 et seq.



Natural Resources, Wildlife Resources

R657-6-6

Application Procedure, Waiting Period and Bonus Points for Wild Turkey

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23207
FILED: 10/12/2000, 19:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's wild turkey program.

SUMMARY OF THE RULE OR CHANGE: Provisions of this section are being amended to add the Internet as a source to obtain wild turkey applications for applying in the limited entry wild turkey drawing. In addition, provisions are being added to allow an applicant to withdraw an application from the drawing, provided the applicant sends a notarized written statement, requesting such in writing, by the deadline published in the Turkey Addendum to the Upland Game Proclamation. This amendment also eliminates the Wildlife Habitat Authorization, pursuant to S.B. 248, 2000 Legislative Session. Other changes are being made for consistency and clarity.

(DAR Note: S.B. 248 is found at 2000 Utah Laws 195, and was effective February 28, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies the procedures and requirements for obtaining wild turkey permits through the limited entry wild turkey drawing. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: The amendments provide procedures and requirements for obtaining permits to hunt wild turkey, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification and providing procedures for obtaining wild turkey permits. The DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-6. Taking Upland Game.

R657-6-6. Application Procedure, Waiting Period and Bonus Points for Wild Turkey.

(1)(a) Applications are available from Division offices~~[-and]~~, license agents, and the division's Internet address. Applications must be mailed by the date prescribed in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(b) Residents and nonresidents may apply.

(c) The application period for wild turkey is published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(2)(a) Applications completed incorrectly or received after the date prescribed in the Turkey Addendum to the Upland Game Proclamation may be rejected.

(b) If an error is found on the application, the applicant may be contacted for correction.

(3)(a) Late applications will not be considered in the drawing, but will be processed for the purpose of entering data into the Division's draw database to provide:

(i) future preprinted applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) reevaluation of division and third party errors.

(b) The \$5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

(4)(a) Group applications for wild turkey will not be accepted.

(b) Applications mailed in the same envelope will be accepted, but will be processed and drawn individually.

(5)(a) A person may obtain only one wild turkey permit each year, except a person may obtain wild turkey conservation permits in addition to obtaining a limited entry or remaining wild turkey permit.

(b) A person may not apply for wild turkey more than once annually.

(c) A turkey permit allows a person using any legal weapon to take one male turkey within the area and season specified on the permit.

(6) A ~~[Wildlife Habitat Authorization and]~~ small game license or combination license may be purchased before applying or the ~~Wildlife Habitat Authorization and~~ small game license or combination license will be issued upon successfully drawing a permit. Fees must be submitted with the application.

(7) Each application must include:

(a) the \$5 nonrefundable handling fee;

(b) ~~the Wildlife Habitat Authorization fee, if it has not yet been purchased;~~

~~—(c)] the small game or combination license fee, if it has not yet been purchased; and~~

~~[(+)](c) the wild turkey permit fee.~~

(8)(a) Personal checks, money orders, cashier's checks and credit cards are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Credit cards must be valid at least 30 days after the drawing results are posted.

(d) Handling fees shall be charged to the credit card when the application is processed.

(e) An application is voidable if the check is returned unpaid from the bank, or the credit card is invalid or refused.

(9) The date the drawing results are posted is published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(10) Any permits remaining after the drawings are available by mail-in application on a first-come, first-served basis beginning on the date published in the Turkey Addendum to the Proclamation of the Wildlife Board for taking upland game.

(11) Unsuccessful applicants will receive a refund in March.

(12) Any person who obtained a Rio Grande turkey permit during the preceding year may not apply for or obtain a Rio Grande turkey permit for the following two years. Any person who obtains a Rio Grande turkey permit in the current year, may not apply for or obtain a Rio Grande turkey permit for a period of two years, except:

(a) Waiting periods do not apply to the purchase of turkey permits remaining after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying in the drawing in following years.

(b) Waiting periods do not apply to conservation permits or landowner permits.

(13)(a) A bonus point is awarded for a valid unsuccessful application in the drawing.

(b) Bonus points are forfeited if the person obtains a permit.

(c) Bonus points are not transferable.

(d) Bonus points are tracked by using the applicant's Social Security number or division-issued hunter identification number.

(14)(a) An applicant may withdraw their application for the wild turkey permit drawing by requesting such in writing by the date published in the Turkey Addendum to the Proclamation of the Wildlife Board for taking upland game.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake division office.

(c) An applicant may not amend a withdrawn application, nor reapply after the application has been withdrawn.

(d) Handling fees will not be refunded.

KEY: wildlife, birds, rabbits*, game laws

[August 15,]2000

23-14-18

Notice of Continuation June 16, 1997

23-14-19

◆ _____ ◆

Natural Resources, Wildlife Resources **R657-13** Taking Fish and Crayfish

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23189
FILED: 10/03/2000, 15:33
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife's fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the date for Free Fishing Day from June 10 to the second Saturday in June. Provisions are being amended to clarify that a person may not use or possess hooks, single or multipoint, larger than 9/16 inches at the shortest point, between the shank and the point. This provision is for specific fishing waters. Provisions are being added to clarify that a person who obtains a second pole permit may fish with two poles while setline fishing. Provisions are amended to add the following waters for underwater spearfishing: Causey Reservoir, Joe's Valley Reservoir, Ken's Lake, Lost Creek, Red Fleet Reservoir, Steinaker Reservoir and Willard Bay. Baiting provisions are amended to include Echo Reservoir, Jordanelle Reservoir and Utah Lake to allow the use of dead yellow perch as bait. In addition, this amendment clarifies that the eggs of any species of fish, except prohibited fish, may be used as bait. However, eggs may not be taken or used from fish that are being released. Other changes are for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies existing requirements, therefore, the Division of Wildlife (DWR) determines that this amendment will not create any cost or savings impact to the state budget or DWR's budget.

❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: The amendments are for clarification, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. The DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, Utah 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources. R657-13. Taking Fish and Crayfish.

R657-13-3. Free Fishing Day.

A license is not required on free fishing day, the second Saturday of June, annually[+0]. All other laws and rules apply.

R657-13-6. Angling.

(1) While angling, the angler shall be within sight (not to exceed 100 feet) of the equipment being used at all times, except setlines.

(2) Angling with more than one line is unlawful, except while fishing for crayfish without the use of fish hooks and on selected waters with a valid second pole permit. A second pole permit is not required when fishing for crayfish with lines without hooks.

(3) No artificial lure may have more than three hooks.

(4) A person may not ~~[possess hooks or lures with hooks that exceed 9/16 inches]~~use or possess hooks, single or multipoint, larger than 9/16 inches at the shortest point, between the shank and the point on specific waters as specified in the proclamation of the Wildlife Board for taking fish and crayfish.

(5) No line may have attached to it more than two baited hooks, two artificial flies, or two artificial lures, except for a setline or while fishing at Flaming Gorge Reservoir.

(6) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, Flaming Gorge Reservoir, and Fish Lake where specific limitations apply.

R657-13-8. Setline Fishing.

(1) A person may use a setline to take fish only in the Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River; and Utah Lake.

(2)(a) Angling with one pole is permitted while setline fishing, except as provided in Subsection (b).

(b) A person who obtains a second pole permit may fish with two poles while setline fishing.

(3) No more than one setline per angler may be used and it may not contain more than 15 hooks.

(4) A setline permit is required in addition to a valid annual fishing or combination license and may be obtained for a \$10 fee from any division office.

(5) When fishing with a setline, the angler shall be within 100 yards of the surface or bank of the water being fished.

(6) A setline shall have one end attached to a nonmoving object, not attached to a fishing pole, and shall have attached a legible tag with the name, address, and setline permit number of the angler.

(7) Anglers under 14 years of age must purchase a valid annual fishing or combination license and setline permit in order to use a setline.

R657-13-9. Underwater Spearfishing.

(1) Underwater spearfishing is permitted from official sunrise to official sunset.

(2) Use of artificial light is unlawful while underwater spearfishing.

(3) Causey Reservoir, Deer Creek Reservoir, Fish Lake, Flaming Gorge Reservoir, Joe's Valley Reservoir, Ken's Lake, Lost Creek, Red Fleet Reservoir, Steinkner Reservoir, Starvation Reservoir, [Fish Lake, and Flaming Gorge]and Willard Bay Reservoir are open to taking game fish by means of underwater spearfishing from June 1 through September ~~[4]~~30. These are the only waters open to underwater spearfishing for game fish.

(4) The bag and possession limit is two game fish. No more than one ~~[lake trout (mackinaw)]~~fish greater than 20 inches may be taken~~[at Fish Lake. At],~~ except at Flaming Gorge Reservoir only one lake trout (mackinaw) greater than 28 inches may be taken.

(5) Nongame fish may be taken by underwater spearfishing only in the waters listed in Subsection (3) above and as provided in Section R657-13-14.

R657-13-12. Bait.

(1)(a) Fishing is permitted with any bait, except corn, hominy, or live fish.

(b) Possession or use of corn or hominy while fishing is unlawful.

(2) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.

(3) Game fish or their parts may not be used, except for the following:

(a) Dead Bonneville cisco may be used as bait only in Bear Lake.

(b) Dead yellow perch may be used as bait only in: Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Jordanelle, Newton, Pineview, Rockport, Sevier Bridge (Yuba), Utah Lake and Willard Bay reservoirs.

(c) Dead white bass may be used as bait only in Utah Lake.

(d) The eggs of any species of fish[~~may be used~~], except prohibited fish, may be used. However, eggs may not be taken or used from fish that are being released.

(4) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.

(5) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.

KEY: fish, fishing, wildlife, wildlife law

[~~April 24, 2000~~]2001

Notice of Continuation September 26, 1997

23-14-18

23-14-19

23-19-1

23-22-3



Public Safety, Driver License

R708-2

Commercial Driver Training Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23199

FILED: 10/10/2000, 13:16

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule needed to be changed because the requirement for a student to have a visual field of 120 degrees in each eye, in order to take a Commercial Driver Training Course, was changed to 90 degrees in each eye by the Driver License Medical Review Board.

SUMMARY OF THE RULE OR CHANGE: The Driver License Medical Review Board decided that the requirement for students, who wanted to take a Commercial Driver Training Course, to have a visual field of 120 degrees in each eye could be changed to 90 degrees in each eye without compromising safety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-505

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The change in this eligibility requirement is not expected to affect a large number of individuals. It is not anticipated there will be a significant increase in business as a result of this rule change and there shouldn't be a significant cost impact on the state budget.

❖**LOCAL GOVERNMENTS:** There will be no cost impact because there is no associated cost with this rule change to local government; local governments are not affected by the provisions of this rule.

❖OTHER PERSONS: There will be no significant cost impact to other individuals because the amendment changes only an eligibility requirement that will affect only a few people. COMPLIANCE COSTS FOR AFFECTED PERSONS: There are not any compliance costs associated with this change in the rule, because it changes only an eligibility requirement that will affect only a few people.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in this rule will not have any fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Driver License
Calvin Rampton Building
4501 South 2700 West
PO Box 30560
Salt Lake City, UT 84130-0560, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 965-4496, or by Internet E-mail at vroos@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: David A. Beach, Director

R708. Public Safety, Driver License.

R708-2. Commercial Driver Training Schools.

R708-2-1. Purpose.

Sections 53-3-501 through 509, requires the Driver License Division to administer the Commercial Driver Training Schools Act by licensing and regulating commercial driver training schools and instructors of such schools. This rule assists the division in doing that.

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R708-2-8. Application and Medical Requirements for a Commercial Driver Training School Instructor License.

(1) Application for an original or renewal instructor's license must be made on forms provided by the division, signed by the applicant in front of a division employee authorized to administer oaths. Applications must be submitted at least 30 days prior to licensing. The original and each yearly renewal application must be accompanied by a medical profile form provided by the division and completed by a health care professional as defined in Subsection 53-3-302(2).

(2) The medical profile form shall indicate any physical or mental impairments which may preclude service as a commercial

driver training school instructor. The physical examinations must take place no more than three months prior to application.

(3) The commercial driver training school desiring to employ the applicant as an instructor must sign the application verifying that the applicant will be employed by the school.

(4) When deemed necessary by the division, an applicant seeking to renew an instructor's permit may be required to take a driving skills test.

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R708-2-10. Classroom and Behind-The-Wheel Instruction.

(1) Classroom instruction for students shall meet or exceed 18 clock hours and shall be conducted in not less than nine separate class sessions on nine separate days of two hours per class. Not more than five of the classroom hours may be devoted to showing slides or films. Classroom instruction shall cover the following areas:

- (a) attitudes and physical characteristics of drivers;
- (b) driving laws with special emphasis on Utah law;
- (c) driving in urban, suburban, and rural areas;
- (d) driving on freeways;
- (e) maintenance of the motor vehicle;
- (f) affect of drugs and alcohol on driving;
- (g) motorcycles, bicycles, trucks, and pedestrian's in traffic;
- (h) driving skills;
- (i) affect of the motor vehicle on modern life;
- (j) Utah's motor vehicle laws regarding financial responsibility and no fault insurance, and a driver's responsibility when involved in an accident; and

(k) suspension or revocation of a driver license.

(2) Behind-the-wheel instruction shall include a minimum of six clock hours of instruction in a dual-control vehicle with a licensed instructor. Each student will be limited to a maximum of two hours of behind-the-wheel instruction per day. The front seat of the vehicle shall be occupied by the instructor and no more than one student. Under no circumstances shall there be more than five individuals in the vehicle.

(a) Behind-the-wheel instruction shall include instructor demonstrations and student practice in using vehicle controls to start, shift gears, make right and left turns, stop, backup, and park. This instruction shall begin under relatively simple conditions and progress until the student has acquired reasonable skill in operating the vehicle under varying traffic conditions.

(b) Students shall receive experience in driving on urban streets, open highways, and freeways. Behind the wheel instruction shall include the experience of driving under variable conditions which may be used by the instructor at different times of the day and year. Special emphasis should be given to teaching students to show courtesy to other drivers and pedestrians.

(c) Students shall receive a minimum of six clock hours of observation time. This instruction shall be obtained while the student is in the rear seat of the vehicle and may not exceed two hours per day. Students observing from the rear seat, as well as the student driver, should benefit from time in the vehicle. The instructor's role is not merely to provide driving experience for the student behind-the-wheel, but to make the vehicle a practical classroom on wheels where all students may learn about the

problems which face a driver and the appropriate solution to such problems.

(3) Instructors shall screen students for visual acuity and physical or emotional conditions which may compromise public safety before allowing students to participate in behind-the-wheel instruction.

(a) Students must have 20/40 visual acuity or better in each eye and a visual field of [120]90 degrees in each eye. Students with less than the required visual acuity and/or visual field in each eye shall be referred to the division for further consideration.

(b) Students must answer all questions on a health questionnaire approved by the Driver License Medical Advisory Board and sign a statement of affirmation of truth. Students indicating a physical or emotional condition on the questionnaire shall be referred to the division for further consideration. Health questionnaires shall be provided by the division.

(4) Commercial driver training schools shall provide each student a copy of the current Utah Driver Handbook. The handbook shall not be used as the sole text of the course, but as an essential aid when Utah traffic laws are studied. Handbooks may be obtained by the schools from the division.

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KEY: driver education, schools, rules and procedures
[March 18, 1999]2000 **53-3-505**
Notice of Continuation December 3, 1997



**Public Service Commission,
Administration
R746-352
Price Cap Regulation**

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23232
FILED: 10/16/2000, 17:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 4-8b-2.4 requires the Commission to establish a price cap regulatory regime by which the prices for tariffed public telecommunications services will be set after a telephone corporation's last general rate case. The effective date for such a price cap regime will occur by February 2001.

SUMMARY OF THE RULE OR CHANGE: Set up a price cap regulatory approach in order to set future prices for tariffed public telecommunications services offered by telecommunications corporations subject to the pricing regime of Section 54-8b-2.4. The rule establishes the methodology for calculating the indices that will be applicable

to these tariffed services and describes the filings, procedural process and reporting requirements by which these indices will be set on an annual basis.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-2.4

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The state agency activities required by the proposed rule are a result of legislative changes in Utah's regulation of telecommunications companies from the 1995 Telecommunications Reform Act (H.B. 364). Prior agency activities under the prior regulatory approach will be replaced with the activities under the new regulatory regime. It is anticipated that there will be no additional costs or resulting savings to state agencies because of the change in regulatory regime.

(DAR Note: H.B. 364 can be found at 1995 Utah Laws 269, and was effective May 1, 1995.)

❖LOCAL GOVERNMENTS: None--Local government activities are not affected by the proposed rule.

❖OTHER PERSONS: Telecommunications corporations subject to the rule, like the state regulatory agencies, will be replacing activities under the prior regulatory regime with similar activities required by the new regulatory regime. It is anticipated that there will be no net change in the costs or the creation of any savings as a result of the rule. Such changes occurred in 1997 when traditional rate-of-return regulation ended for such corporations operating in the State of Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Commission is unable to quantify the costs for telecommunications corporations subject to the rule. The rule itself does not cause compliance costs, the 1995 statutory changes setting forth the regulatory approach to be applied is the cause of any compliance costs. The Commission estimates that the costs of complying with the new regulatory approach would not exceed the costs incurred in the prior regulatory approach. It is likely that the costs of the new approach, over time, will be less than the costs incurred under traditional rate-of-return regulation. However, neither the Commission nor the affected telecommunications corporation(s) subject to the rule have experience with the costs that would be incurred under Utah's new form of regulating the prices for tariffed public telecommunications services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Commission has attempted to promulgate a price cap rule that would be simple to formulate and apply in the future. It has incorporated factors required by statute in a manner which the Commission believes will reduce future disputes and litigation concerning measurement of the statutorily required index inputs. Because Utah has no experience with this type of regulatory approach for utility services, estimation of costs to be incurred have been difficult to formulate. The Commission does not anticipate that the costs would be greater than the costs incurred under the past rate-of-return regulation of prices for tariffed services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/07/2000, 9:00 a.m., Room 426, Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

R746. Public Service Commission, Administration.

R746-352. Price Cap Regulation.

R746-352-1. Purpose.

This rule establishes a framework and procedures for price regulation under Subsection 54-8b-2.4(5)(a).

R746-352-2. Objectives of Price Cap Regulation.

A. Maximum Average Prices -- To alter maximum average prices for tariffed services based upon inflation, industry cost trends, and exogenous factors.

B. Price Protection -- Provide price protection to customers who lack competitive choices.

C. Movement of Priced -- Foster the movement of prices toward cost and the removal of subsidies in the existing price structure of telephone corporations so as to encourage competition for all telecommunications services.

D. Regulatory Burdens -- Minimize regulatory burdens by establishing a relatively simple, administratively efficient, and understandable regulatory system.

R746-352-3. Price Cap Adjustment Formula.

A. For Telephone Corporations Subject to Section 54-8b-2.4 -- For telephone corporations subject to Section 54-8b-2.4, the following price cap adjustment formula shall be used to obtain a Price Cap Index: the Price Cap Index for the current year, or $PCI_{(t)}$, shall equal the product of the following two values: the Price Cap Index of the previous year, or $PCI_{(t-1)}$, multiplied by one plus the sum of a measure of inflation, I, minus a productivity factor, X, plus or minus an exogenous factor, Z, minus a service quality adjustment factor, Q. $PCI_{(t)} = PCI_{(t-1)}$ multiplied by $(1 + (I - X + Z - Q))$.

1. The Price Cap Index for the current year, $PCI_{(t)}$, shall be used as the 54-8b-2.4 price cap index, calculated annually, above which the weighted index of the average prices for the telephone corporation's services in a given price cap basket may not rise.

2. The inflation measure, I, equals a measure of economy-wide inflation rates the determination of which is described in R746-352-4(A).

3. The productivity factor, X, equals a productivity factor, or "X-factor," designed to capture the effects of changes in productivity and input prices for the telecommunications industry versus the respective changes in those elements for the economy as a whole, the determination of which is described in R746-352-4(B).

4. The exogenous factor, Z, equals potential adjustments to reflect or offset certain external or exogenous factors (positive and negative), the determination of which is described in R746-352-4(C).

5. The service quality factor, Q, equals potential adjustments to reflect the telephone corporation's service quality performance in accordance with standards set forth in R746-352-4(D), the determination of which is described in R746-352-4(D).

6. In determining the Price Cap Index, the values for X, Z, and Q shall be expressed in decimal, rather than direct percentage, form.

R746-352-4. Price Cap Adjustment Formula Components.

A. Inflation Measure, I -- The Inflation Measure, I, to be used for the price cap adjustment in a given year is the annual percentage change in the Chain-weighted GDP-PI as published by the United States Department of Commerce Bureau of Economic Analysis for the 12 month period ending September 30 of the previous calendar year.

B. Productivity Factor, X -- The Productivity Factor, X, shall measure the amount by which the change in local exchange carrier, or LEC, productivity differs from the change in productivity for the United States economy as a whole plus the amount by which the change in input prices for the United States economy as a whole differs from the change in LEC input prices.

1. The following formula shall be used to calculate the productivity factor: The value for X shall equal the sum of two values. The first value shall equal the difference between a minuend representing the percent change in historical total factor productivity of local exchange carriers less a subtrahend representing the percent change in historical total factor productivity of the entire United States economy. The second value shall equal the difference between a minuend representing the percent change in the historical input prices of goods and services used to produce output of the entire United States economy less a subtrahend representing the percent change in the historical input prices of goods and services used to produce output of local exchange carriers.

$X = (\% \text{Change } TFP_{LEC} - \% \text{Change } TFP_{US}) + (\% \text{Change } IP_{US} - \% \text{Change } IP_{LEC})$, where

TFP_{LEC} equals the historical total factor productivity of local exchange carriers.

TFP_{US} equals the historical total factor productivity of the entire United States economy.

IP_{LEC} equals the historical input prices of goods and services used to produce output of local exchange carriers.

IP_{US} equals the historical input prices of goods and services used to produce output of the entire United States economy.

2. The productivity factor to be used in calculating the maximum prices for tariffed public telecommunication services pursuant to Subsection 54-8b-2.4(5) shall be 6.2 percent for at least the first year in which the index is in effect. At the end of the first

year, a change in the factor percentage shall be considered by the Commission upon a request for change in the productivity factor, X.

C. Exogenous Factor, Z -- The exogenous factor, Z, shall represent events whose cost or revenue consequences are of a material nature which would not otherwise be captured in the inflation measure, I, or the productivity factor, X, and would not expect to be absorbed by a firm operating under, or responding to, competitive market conditions.

1. Exogenous events may include:

a. Any removal of subsidies in the existing price structure of the telephone corporation required by federal or state law or approved by the Commission;

b. The impact of alteration in asset lives to better reflect changes in the economic lives of plant and equipment approved by the Commission consistent with Section 54-7-12.1;

c. Commission approved or adopted changes based upon changes in rules of the Federal Communications Commission, including rules with regard to the separation of interstate and intrastate revenues, expenses, or investments;

d. Changes in tax rates applied to the telephone corporation;

e. Any other change external to the business operations of the telephone corporation resulting from: (a) accounting rules adopted by the Financial Accounting Standards Board and approved by the Commission; or (b) laws or rules enacted or adopted by a governmental entity having jurisdiction; and

f. Any other extraordinary events not reasonably foreseeable as of April 30, 1997.

2. The Z factor shall be calculated as the financial impact of the event(s) on intrastate tariffed services divided by intrastate revenues from tariffed services. The financial impact shall be net of any effects on costs or revenues that are incorporated in the inflation measure, I, or productivity factor, X.

3. In the interest of rate rebalancing so as to move prices towards cost and eliminate subsidies, the Commission may direct that the incremental value(s) of Z for one or more baskets may be positive while the offsetting incremental value(s) of Z for the other baskets may be negative.

D. Service Quality Factor, Q -- The service quality factor, Q shall set a value to reflect the telephone corporation's service quality.

1. A service quality measure shall be established using two installation wire center standards, three repair wire center standards, and one statewide held order standard. Performance against the standards shall be measured monthly.

2. The six standards are as follows:

a. Meet at least 90 percent of installation appointments, excluding customer trouble reports within seven days of initial installation, on a wire center basis.

b. Install at least 90 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis. After December 31, 2000, install 95 percent within three business days or on the customer-requested due dates, whichever is later, on a wire center basis.

c. Allow no more than five held orders per 1000 new, transfer, and change orders on a statewide basis. After December 31, 2001, allow no more than four held orders per 1000 new, transfer, and change orders on a statewide basis.

d. Repair at least 80 percent of all out-of-service troubles within one business day on a wire center basis. After December 31, 2000, repair 85 percent of all out of service troubles within one business day on a wire center basis.

e. Repair at least 90 percent of all troubles within two business days on a wire center basis.

f. Meet at least 90 percent of repair commitments on a wire center basis.

3. The service quality factor, Q, for the current year shall be calculated by subtracting the previous year's service quality measure from the current year's service quality measure.

a. The service quality measure for a year shall be determined by summing the service failure values occurring during the year. Missing a standard for any four consecutive months constitutes a service failure.

b. Each service failure of a wire center standard shall be given a value of 0.0002 for each wire center in which a service failure occurs.

c. Each service failure of the statewide held order standard shall be given a value of .002.

4. Limitations on service quality factor adjustments.

a. Inadequate service quality results during the first year that a service quality factor adjustment is made may produce a Q-factor value of no more than an initial, threshold value of 0.06. However, upon request of an interested person, the Commission may determine that service quality failures warrant an additional service quality adjustment, up to the full service quality adjustment dictated by the service failures occurring during the year.

b. If the number of service failures during any year causes the Commission to determine that the additional service quality adjustment is warranted, the adjustment threshold for the subsequent year will be increased by the value of 0.06.

c. The service quality factor, Q, shall begin being applied in the year 2002 price cap adjustment, based on 2001 service quality data.

5. Exemptions to Service Quality Standards.

a. Exemptions to service quality standards shall be granted for events that the telephone corporation substantiates were beyond its control. It shall be the telephone corporation's responsibility to separately document the cause, the duration and the magnitude of those occurrences.

b. Exemptions are defined as events wherein the telecommunications corporation proves it was unable to meet service standards because of:

(1) A customer's act;

(2) A customer's failure to act;

(3) A government agency's delay in granting a right of way or other required permit;

(4) A disaster or an act of nature that would not normally have been anticipated and prepared for by the telecommunications corporation;

(5) In the case of a work stoppage, the telephone corporation shall have a grace period of six weeks following return to work to comply with service quality standards;

(6) Any disaster or event of sufficient intensity to give rise to an emergency being declared by state government;

(7) A cable cut outside the telephone corporation's control affecting more than 20 pairs; and

(8) A public calling event, busy calling or dial tone loss due to mass calling or dial-up event.

c. A telephone corporation may petition the Commission for longer installation and repair interval standards in wire centers serving large geographic areas with relatively few customers.

R746-352-5. Service Baskets.

A. Service Baskets -- The telephone corporation's tariffed services having similar characteristics shall be grouped in the following four baskets. These baskets are designed to aid development of different price indices for different groups of services, to limit an incumbent telephone corporation's ability to shift cost recovery from one major customer or service class to another, and to afford the company a reasonable amount of flexibility to adjust its prices to respond to changing market conditions. They are:

1. Basket 1: Tariffed Residential Basic Exchange Services, Residential Extended Area Service (EAS), Caller ID Blocking, and per Call Blocking.

2. Basket 2: Tariffed business exchange services, consisting of flat and measured-rate business exchange access lines, measured usage, PBX trunks, hunting, Direct Inward Dialing (DID), and EAS associated with the foregoing business services.

3. Basket 3: Tariffed intrastate switched access services.

4. Basket 4: All tariffed services that have not otherwise been placed into Baskets 1, 2, or 3.

R746-352-6. Indexing, Pricing Rules and Permitted Rate Adjustments.

A. Index-Based Price Cap Adjustment -- A Price Cap Index, PCI, and an Actual Price Index, API, shall apply separately to each of the four Baskets, unless otherwise ordered by the Commission.

B. Base Year for Calculating Beginning of Price Regulation -- The base year is the year from which indexing begins, such as the year at which both the Price Cap Index and the Actual Price Index are initialized at a value of 100.

1. The base year for which the Price Cap Index and Actual Price Index will be valued at 100 is 1999.

C. Actual Price Index -- The Actual Price Index, API, is a means to permit comparison of the telephone corporation's price levels to the PCI, by expressing actual prices in terms of indexed values. An API shall be calculated for each Basket on the basis of the revenue-weighted average change in the telephone corporation's prices for all services included in that Basket between the current year, period t, and the previous year, period (t-1). The API is an index of the telephone corporation's actual prices and thus may reflect additional rate decreases or foregone rate increases voluntarily made by the telephone corporation over time. As actual prices change, the API will be changed to reflect upward and downward price movements.

1. In general, in each basket, the telephone corporation must adjust actual prices so that the API is less than or equal to the PCI. However, if a basket contains services priced below the price floor established in Subsection 54-8b-3.3(3), the telephone corporation must adjust actual prices so that:

a. If $PCI_{(t)}$ is greater than or equal to both $PCI_{(t-1)}$ and 100, then $API_{(t)}$ must be less than or equal to $PCI_{(t)}$ or

b. If $PCI_{(t)}$ is less than either $PCI_{(t-1)}$ or 100, then $API_{(t)}$ must be less than or equal to an Adjusted PCI for the current year, Adj

$PCI_{(t)}$. The Adjusted PCI shall be calculated as the product of the PCI for the previous year, $PCI_{(t-1)}$, multiplied by the sum of one plus the following value: the product of the sum of the Inflation measure minus the productivity factor plus or minus the exogenous factor minus the service quality factor, which sum is multiplied by an Adjustment factor, $A_{(t)}$, for baskets containing services priced at or below cost pursuant to Subsection 54-8b-2.4(5)(c). $Adj PCI_{(t)} = PCI_{(t-1)}$ multiplied by $(1 + ((I - X + Z - Q) \text{ times } A_{(t)}))$ in the first instance where $PCI_{(t)}$ is less than $PCI_{(t-1)}$ and where $Adj PCI_{(t)} = Adj PCI_{(t-1)}$ times $(1 + ((I - X + Z - Q) \text{ times } A_{(t)}))$ in subsequent instances. The Adjustment factor, $A_{(t)}$, equals the ratio of the revenues associated with services priced above cost divided by the total basket revenue. $A_{(t)}$ equals 1 if all services in the basket are priced above cost.

D. Limitations on Service Basket Indices and Individual Service Prices --

1. The Actual Price Index, API, for each service basket cannot exceed the PCI (or Adjusted PCI) applicable to the service basket.

2. The prices of individual services within a service basket are subject to the following limitations:

a. Unless otherwise approved by the Commission, for rates rebalancing purposes, the price for any individual service rate element may not be increased in any one year by more than the net of the PCI for that year plus five percent in the case of services in Basket 1, 2 and 3, and plus ten percent in the case of services in Basket 4.

b. Apart from increases which occur in conjunction with Commission-approved rate rebalancing, where there are offsetting rate reductions, services for which a price reduction would be contrary to 54-8b-2.4(5)(c) may have their prices elevated cumulatively only to the degree that the price cap indices associated with their respective services' baskets exceed 100.

c. The tariff price of each service must remain above its price floor in accordance with 54-8b-3.3(3).

d. Provided that these pricing limitations are met, the telephone corporation may adjust the prices for services in any basket in conjunction with the Annual Price Cap Compliance Filing, or at any other time. Price changes proposed by the telephone corporation shall be filed with the Commission at least thirty (30) days prior to their proposed effective date and shall be accompanied with supporting information showing that the proposed price changes are in compliance with this rule and any statutory limitations.

3. Rate Rebalancing.

a. The Commission may, as consistent with the public interest, direct that the telephone corporation rebalance rates, or the telephone corporation may petition for the authority to rebalance rates. That rebalancing, which would be separate from the impacts of any required price-indexed-based rate adjustments, must be revenue-neutral, assuming no sales quantity changes and may be accomplished both within and across service baskets. Once implemented, the telephone corporation may then rely on the Commission approved rebalanced rates as its effective rates for its Annual Price Cap Compliance filing and any subsequent proposed rate changes.

b. In addition to the preceding rate rebalancings, the Commission may direct the telephone corporation to make revenue-neutral adjustments to rates in Basket 3 services, with offsetting adjustments to the PCIs in other baskets as required, to be

consistent with interstate policy as set by the Federal Communications Commission, to the extent that the Commission determines such consistency is in the public interest.

4. Notwithstanding the above, all tariff changes will be subject to the approval of the Commission pursuant to 54-3-2 and 54-3-3.

R746-352-7. Price Cap Adjustments, Indices and Other Filings.

A. Index-based Price Cap and Rate Adjustments -- By May 1 of each year, the telephone corporation shall make a Price Cap Compliance Filing with the Commission. Interested persons shall have 15 days from the filing date to review the telephone corporation's filing to determine whether the corporation's proposed updated price cap indices, measures, supporting evidence and any proposed rate changes are consistent with this rule. Written comments on the filing shall be filed within 15 days of the telephone corporation's filing or May 16 whichever is later. The Commission will approve or reject the Price Cap Compliance Filing within seven days of the written comments or May 23 whichever is later. Any rate changes proposed with the Price Cap Compliance Filing shall be reviewed and may become effective on July 1, unless the Commission approves an earlier effective date. The Price Cap Compliance Filing will include at a minimum:

1. Data showing the Chain-weighted GDP-PI for the preceding twelve months ended September 30 and the Chain-weighted GDP-PI percentage change for that twelve-month period;

2. Calculations of the PCI updated as required for any new X-factor and any inflation I-measure adjustments to reflect the percentage change in the Chain-weighted GDP-PI, any exogenous Z-factor adjustments that have been expressly approved by the Commission by December 31 of the preceding year pursuant to paragraph B below, and any service quality Q-factor adjustments, together with updated API calculations:

a. For each basket, the incumbent telephone corporation must show a complete price-out using the end-of-year quantities or sales levels of services in the basket. The price-out will sum the quantities multiplied by existing prices and proposed prices for each tariffed service, to obtain the total existing revenues and proposed revenues for tariffed services.

3. Tariff pages to reflect any proposed changes in tariff rates;

4. Schedules showing the changes in the tariffed rates;

B. Filings to Support Proposed Exogenous Adjustments -- The telephone corporation and any interested person may file any proposed Z-factor treatment of an exogenous event within 90 days of the date on which the effects of that event are known and measurable. The Commission shall review such filings and issue a written decision accepting or rejecting the proposed Z-factor adjustment and associated value for use in conjunction with this rule within 60 days of the filing. The telephone corporation may request assigning the financial impact of the exogenous adjustment to specific baskets.

1. As a part of its filing, the moving party or parties will submit the following:

a. A description of the matter proposed for treatment as an exogenous event and a demonstration that it satisfies the definition of an exogenous event set forth in R746-352-4(C); and

b. Data that describes and quantifies the estimated financial impact to the intrastate tariffed services of the telephone corporation;

C. Exogenous Factors -- Exogenous factors that have been submitted to the Commission and approved by December 31 of each year will be aggregated and included in the price cap filing on May 1 of the following year. Exogenous factors shall be exclusive of any adjustments already incorporated in the Chain-weighted GDP-PI or the X factor.

D. Filings to Implement a Rate Rebalancing Program -- During any year in which rates are adjusted pursuant to a Commission initiated rate rebalancing or Commission-approved telephone corporation initiated rate rebalancing, the telephone corporation's May 1 Price Cap Compliance Filing, shall show compliance with R746-352-6 must include calculations of the rate and revenue adjustments caused by the rate rebalancing occurring in that year.

E. Compliance Filing Requirements - Below-Cap Rate Changes -- The telephone corporation may adjust its rates at any time during the year, through a "below-cap" compliance filing. In this type of filing, the telephone corporation must demonstrate that its cumulative proposed rate changes will still satisfy the prevailing basket-specific PCIs for that year, in addition to all other requirements or limitations of this rule. In order to satisfy this requirement, the telephone corporation must submit the following to the Commission:

1. Service Baskets. The telephone corporation must provide a calculation of the actual price cap index, API, for each basket. For each price basket, the telephone corporation must show the price-out described in R746-352-7(A)(2)(a) above.

2. Demonstration of Compliance with R746-352. The telephone corporation must show that the proposed rate changes will comply with the provisions set forth in R746-352-6 and 7.

3. Tariff Pages to Reflect Revised Rates in Each of the Service Baskets. The telephone corporation must provide copies of the affected tariff pages that will reflect the proposed revised rates in each of the service baskets.

4. Description of Proposed Changes to Rates in Each Rate Filing. Additionally, the telephone corporation must provide a brief narrative description that summarizes its proposed rate changes.

KEY: price indexes, public utilities, telecommunications
54-8b-2.4
2000 **54-8b-3.3**
54-3-2
54-3-3
54-7-12



School and Institutional Trust Lands,
 Administration
R850-80-550
 Methods of Sale

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23204
 FILED: 10/12/2000, 16:23
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change to this rule will allow the Director to approve private land sales under specific conditions.

SUMMARY OF THE RULE OR CHANGE: Existing rule requires Board approval for all non-competitive land sales, except those conducted under the Development rule (Rule R850-140). Some non-competitive land sales are small and inconsequential and the amount of time expended to obtain Board approval places a greater burden on the Board and staff than is necessary. The change in this rule will specify the conditions under which Board approval will be necessary and when the Director is authorized to approve the sale.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii), 53C-2-201(1)(a), 53C-4-101(1), and 53C-4-202(6); and Section 53C-4-102

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule only modifies the process for conducting private sales, which are already possible with Board approval. Consequently, there is no anticipated cost or savings to the state other than modest savings associated with a more expedited process for approving sales.

❖LOCAL GOVERNMENTS: This rule only modifies the process for conducting private sales, which are already possible with Board approval. Consequently, there is no anticipated cost or savings to local government other than modest savings associated with a more expedited process for approving sales.

❖OTHER PERSONS: This rule only modifies the process for conducting private sales, which are already possible with Board approval. Consequently, there is no anticipated cost or savings to other persons other than modest savings associated with a more expedited process for approving sales.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional compliance costs for affected persons as a result of this rule modification. There may potentially be small cost savings associated with the ability to respond to proposals in a more timely manner.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is not anticipated that this rule modification will have any fiscal impact on businesses beyond very modest savings associated with the ability to respond to proposals in a more timely manner.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

School and Institutional Trust Lands
Administration
Suite 500
675 East 500 South
Salt Lake City, UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin S. Carter at the above address, by phone at (801) 538-5100, by FAX at (801) 355-0922, or by Internet E-mail at tmain.kcarter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2000

AUTHORIZED BY: Kevin S. Carter, Assistant Director

**R850. School and Institutional Trust Lands, Administration.
R850-80. Sale of Trust Lands.
R850-80-550. Methods of Sale.**

Upon authorization to sell trust land and related assets by the director pursuant to R850-80-300(2) or R850-80-500, the agency shall dispose of the land or assets using methods described below:

1. A public sale pursuant to R850-80-600, or
2. A negotiated sale to a party, either directly or using a broker or real estate marketing entity, after appropriate advertising of the proposed sale and 30-days prior [approval by] written notice to the board and affected beneficiary institutions describing the terms, reasons and other pertinent facts of the proposed sale. Board approval is required in any of the following situations:

- (a) the value of the parcel exceeds \$100,000;
- (b) the parcel to be sold exceeds 320 acres in size; or
- (c) advertising brings forth additional interested purchasers.

KEY: administrative procedure, sales*

July 16, 1998 December 4, 2000	53C-1-302(1)(a)(ii)
Notice of Continuation June 30, 1997	53C-2-201(1)(a)
	53C-4-101(1)
	53C-4-102
	53C-4-202(6)



Tax Commission, Property Tax
R884-24P-33
2001 Personal Property Valuation
Guides and Schedules Pursuant to
Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 23216
FILED: 10/13/2000, 14:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 requires the county assessor to assess all property located within the county.

Subsection 59-2-210(3) authorizes the Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment reverses changes made to the personal property schedule for mining equipment for the tax year 2001; makes technical amendments to the determination of cost new for boats in Class 17.

(DAR Note: The changes reversed by this proposed amendment were originally published in the September 1, 2000, issue of the *Utah State Bulletin*, under DAR No. 23101; these changes were made effective as of October 3, 2000; see the "Notices of Effective Dates" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--An earlier amendment to this rule, approved by the Tax Commission on 10/02/2000 made changes to the personal property schedules for mining equipment, among other things. The 10/02/2000 change included the creation of a new class for ore and mineral processing equipment. Although approved by the Tax Commission on 10/02/2000, these amendments will not become operational until 01/01/2001. The current amendment reverses the earlier amendments which never became operational, leaving the schedules for mining equipment structurally identical to the prior year. The proposed amendment for determining cost new for boats is a technical amendment to make the rule internally consistent.

❖LOCAL GOVERNMENTS: None--An earlier amendment to this rule, approved by the Tax Commission on 10/02/2000 made changes to the personal property schedules for mining equipment, among other things. The 10/02/2000 change included the creation of a new class for ore and mineral processing equipment. Although approved by the Tax Commission on 10/02/2000, these amendments will not become operational until 01/01/2001. The current amendment reverses the earlier amendments which have not become operational, leaving the schedules for mining equipment structurally identical to the prior year. The proposed amendment for determining cost new for boats is a technical amendment to make the rule internally consistent.

❖OTHER PERSONS: None--While the amendment approved by the Tax Commission on 10/02/2000 may have increased personal property tax for some taxpayers, and decreased it for others, that amendment has not become operational. The proposed amendment reverses the earlier non-operational amendment. The proposed amendment for determining cost new for boats is a technical amendment to make the rule internally consistent.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Because the 10/02/2000 amendment has not become operational, assessing authorities have not programmed that amendment's changes to the classification of mining property. This amendment reverses those non-operational changes. The proposed amendment for determining cost

new for boats is a technical amendment to make the rule internally consistent.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impact on businesses because the previous rule was never implemented as it was to become effective 01/01/2001. Which would have made changes to the depreciation tables used by some companies.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. 2001 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the actual cost of the property when purchased new. Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

a) documented actual cost of the new or used vehicle; or

b) recognized publications that provide a method for approximating cost new for new or used vehicles.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

- (1) barricades/warning signs;
- (2) library materials;
- (3) patterns, jigs and dies;
- (4) pots, pans, and utensils;
- (5) canned computer software;
- (6) hotel linen;
- (7) wood and pallets;
- (8) video tapes, compact discs, and DVDs; and
- (9) uniforms.

b) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

(1) retail price of the canned computer software;

(2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

d) Video tapes, compact discs, and DVDs are valued at \$15.00 per tape or disc for the first year and \$3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
00	70%
99	40%
98 and prior	10%

2. Class 2 - Computer Integrated Machinery.

a) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(1) The equipment is sold as a single unit. If the invoice(s) break out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(3) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
00	86%
99	71%
98	59%
97	51%
96	43%
95	35%
94	26%
93 and prior	17%

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

a) Examples of property in this class include:

- (1) office machines;
- (2) alarm systems;
- (3) shopping carts;
- (4) ATM machines;
- (5) small equipment rentals;
- (6) rent-to-own merchandise;
- (7) telephone equipment and systems;
- (8) music systems;
- (9) vending machines; and
- (10) video game machines.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
00	83%
99	67%
98	50%
97	34%
96 and prior	17%

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:

- (1) furniture;
- (2) bars and sinks;
- (3) booths, tables and chairs;
- (4) beauty and barber shop fixtures;
- (5) cabinets and shelves;
- (6) displays, cases and racks;
- (7) office furniture;
- (8) theater seats;
- (9) water slides; and
- (10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
00	89%
99	80%
98	70%
97	61%
96	52%
95	43%
94	33%
93	23%
92 and prior	11%

5. Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:

- (1) heavy duty trucks; and
- (2) medium duty trucks.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) Cost new of vehicles in this class is defined as follows:

- (1) the documented actual cost of the vehicle for new vehicles;

(2) 75 percent of the manufacturer's suggested retail price; or
 (3) for vehicles purchased used, cost new shall be estimated by the taxing authority.

d) For state assessed vehicles, cost new shall include the value of attached equipment.

e) The 2001 percent good applies to 2001 models purchased in 2000.

f) Trucks weighing two tons or more have a residual taxable value of \$1,750.

TABLE 6

Year of Model	Percent Good of Cost New
01	90%
00	68%
99	63%
98	58%
97	54%
96	49%
95	44%
94	39%
93	35%
92	30%
91	25%
90	20%
89	16%
88 and prior	11%

6. Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:

- (1) medical and dental equipment and instruments;
- (2) exam tables and chairs;
- (3) high-tech hospital equipment;
- (4) microscopes; and
- (5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
00	91%
99	84%
98	75%
97	68%
96	60%
95	53%
94	46%
93	38%
92	29%
91	19%
90 and prior	10%

7. Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:

- (1) manufacturing machinery;
- (2) amusement rides;

- (3) bakery equipment;
- (4) distillery equipment;
- (5) refrigeration equipment;
- (6) laundry and dry cleaning equipment;
- (7) machine shop equipment;
- (8) processing equipment;
- (9) auto service and repair equipment;
- (10) ~~packaging~~mining equipment;
- (11) ski lift machinery;
- (12) printing equipment;~~and~~
- (13) bottling or cannery equipment~~-~~; and
- (14) ~~packaging equipment.~~

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
00	91%
99	84%
98	75%
97	68%
96	60%
95	53%
94	46%
93	38%
92	29%
91	19%
90 and prior	10%

8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:

- (1) dirt and trail motorcycles;
- (2) all terrain vehicles;
- (3) golf carts; and
- (4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2001 percent good applies to 2001 models purchased in 2000.

d) Off-Highway Vehicles have a residual taxable value of \$500.

TABLE 9

Year of Model	Percent Good of Cost New
01	90%
00	64%
99	60%
98	57%
97	53%
96	49%
95	46%
94	42%
93	38%
92	35%
91	31%
90	27%
89	24%
88 and prior	20%

9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
00	93%
99	87%
98	80%
97	75%
96	69%
95	64%
94	59%
93	53%
92	46%
91	38%
90	31%
89	24%
88	17%
87 and prior	9%

10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:

- (1) street motorcycles;
- (2) scooters; and
- (3) mopeds.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2001 percent good applies to 2001 models purchased in 2000.

d) Street motorcycles have a residual taxable value of \$500.

TABLE 11

Year of Model	Percent Good of Cost New
01	90%
00	69%
99	67%
98	64%
97	62%
96	59%
95	57%
94	55%
93	52%
92	50%
91	47%
90	45%
89	43%
88	40%
87	38%
86	35%
85	33%
84 and prior	31%

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

- (1) data processing equipment;

- (2) personal computers;
 - (3) main frame computers;
 - (4) computer equipment peripherals; and
 - (5) cad/cam systems.
- b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Model	Percent Good of Acquisition Cost
00	84%
99	57%
98	36%
97	24%
96	14%
95 and prior	9%

12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

- (1) construction equipment;
- (2) excavation equipment;
- (3) loaders;
- (4) batch plants;
- (5) snow cats; and
- (6) power sweepers[; and].
- ~~(7) mining equipment.]~~

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) 2001 model equipment purchased in 2000 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
00	60%
99	57%
98	53%
97	50%
96	47%
95	44%
94	41%
93	37%
92	34%
91	31%
90	28%
89	25%
88	22%
87 and prior	18%

13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new.

b) The 2001 percent good applies to 2001 models purchased in 2000.

TABLE 14

Year of Model	Percent Good of Cost New
01	90%
00	71%
99	67%

98	64%
97	61%
96	57%
95	54%
94	51%
93	48%
92	44%
91	41%
90	38%
89	34%
88	31%
87	28%
86	24%
85 and prior	21%

14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products.

a) Examples of property in this class include:

- (1) crystal growing equipment;
- (2) die assembly equipment;
- (3) wire bonding equipment;
- (4) encapsulation equipment;
- (5) semiconductor test equipment;
- (6) clean room equipment;
- (7) chemical and gas systems related to semiconductor manufacturing;
- (8) deionized water systems;
- (9) electrical systems; and
- (10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
00	74%
99	54%
98	38%
97	24%
96 and prior	10%

15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:

- (1) billboards;
- (2) sign towers;
- (3) radio towers;
- (4) ski lift and tram towers;
- (5) non-farm grain elevators; and
- (6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
00	94%
99	91%
98	86%
97	82%

96	78%
95	74%
94	72%
93	68%
92	63%
91	58%
90	53%
89	48%
88	44%
87	40%
86	34%
85	27%
84	21%
83	14%
82 and prior	7%

16. Class 17 - Boats.

a) Examples of property in this class include:

- (1) boats; and
- (2) boat motors.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property.

c) ~~Cost new of property in this class is defined as follows~~ The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(1) the following publications or valuation methods:

~~(a)~~ (a) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

~~(b)~~ (b) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

~~(c)~~ for property not listed in the ABOS Marine Blue Book or the NADA Marine Appraisal Guide, a documented acquisition cost for the property; or

~~(d)~~ (c) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide ~~and for which no documented acquisition cost is available~~;

~~(i)~~ (i) the manufacturer's suggested retail price for comparable property; or

~~(ii)~~ (ii) the cost new established for that property by a documented valuation source; or

(2) the documented actual cost of new or used property in this class.

c) The 2001 percent good applies to 2001 models purchased in 2000.

d) Boats have a residual taxable value of \$500.

TABLE 17

Year of Model	Percent Good of Cost New
01	90%
00	68%
99	66%
98	64%
97	62%
96	60%
95	57%
94	55%
93	53%
92	51%
91	49%

90	47%
89	44%
88	42%
87	40%
86	38%
85	36%
84	34%
83	31%
82	29%
81 and prior	27%

17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

- (1) travel trailers;
- (2) truck campers; and
- (3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2001 percent good applies to 2001 models purchased in 2000.

d) Trailers and truck campers have a residual taxable value of \$500.

TABLE 18

Year of Model	Percent Good of Cost New
01	90%
00	68%
99	65%
98	62%
97	59%
96	56%
95	53%
94	50%
93	47%
92	44%
91	41%
90	38%
89	35%
88	32%
87	29%
86	26%
85 and prior	20%

~~18. Class 19 - Ore and Mineral Processing Equipment. Class 19 reflects the economic life of equipment used in the smelting, refining, and processing of metals from ore.~~

~~a) Examples of property in this class include:~~

- ~~(1) alloying equipment;~~
- ~~(2) ore crushing machinery;~~
- ~~(3) casing and forging equipment;~~
- ~~(4) electrolysis equipment;~~
- ~~(5) rolling machinery;~~
- ~~(6) drawing and shaping equipment;~~
- ~~(7) stationary conveyors;~~
- ~~(8) milling equipment;~~
- ~~(9) smelting, refining, and reduction equipment;~~
- ~~(10) molding and coremaking machinery;~~
- ~~(11) slurries; and~~
- ~~(12) other related ore processing equipment.~~

~~b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.~~

TABLE 19

Year of Acquisition	Percent Good of Acquisition Cost
00	93%
99	88%
98	82%
97	77%
96	71%
95	66%
94	62%
93	56%
92	50%
91	43%
90	37%
89	30%
88	24%
87 and prior	17%

~~19-]~~18. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

- a) Examples of property in this class include:
- (1) oil and gas exploration equipment;
 - (2) distillation equipment;
 - (3) wellhead assemblies;
 - (4) holding and storage facilities;
 - (5) drill rigs;
 - (6) reinjection equipment;
 - (7) metering devices;
 - (8) cracking equipment;
 - (9) well-site generators, transformers, and power lines;
 - (10) equipment sheds;
 - (11) pumps;
 - (12) radio telemetry units; and
 - (13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
00	92%
99	86%
98	79%
97	74%
96	67%
95	62%
94	55%
93	48%
92	41%
91	33%
90	25%
89	17%
88 and prior	9%

~~20-]~~19. Class 21 - Commercial and Utility Trailers.

- a) Examples of property in this class include:
- (1) commercial trailers;
 - (2) utility trailers;
 - (3) cargo utility trailers;
 - (4) boat trailers;

- (5) converter gears;
 - (6) horse and stock trailers; and
 - (7) all trailers not included in Class 18.
- b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.
- c) The 2001 percent good applies to 2001 models purchased in 2000.
- d) Commercial and utility trailers have a residual taxable value of \$500.

TABLE 21

Year of Model	Percent Good of Cost New
01	95%
00	64%
99	61%
98	58%
97	55%
96	52%
95	49%
94	46%
93	42%
92	39%
91	36%
90	33%
89	30%
88	27%
87	24%
86	21%
85 and prior	17%

~~21-]~~20. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

~~22-]~~21. Class 23 - Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest.

- a) Examples of property in this class include:
- (1) kit-built aircraft;
 - (2) experimental aircraft;
 - (3) gliders;
 - (4) hot air balloons; and
 - (5) any other aircraft requiring FAA registration.

b) Aircraft subject to the aircraft uniform fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
00	75%
99	71%
98	67%

97	63%
96	59%
95	55%
94	51%
93	47%
92	43%
91	39%
90	35%
89 and prior	31%

~~[23.]~~22. Class 24 - Leasehold Improvements.

a) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

- (1) walls and partitions;
- (2) plumbing and roughed-in fixtures;
- (3) floor coverings other than carpet;
- (4) store fronts;
- (5) decoration;
- (6) wiring;
- (7) suspended or acoustical ceilings;
- (8) heating and cooling systems; and
- (9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
00	94%
99	88%
98	82%
97	77%
96	71%
95	65%
94	59%
93	54%
92	48%
91	42%
90	36%
89 and prior	30%

~~[24.]~~23. Class 25 - Aircraft Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Examples of property in this class include:

- (1) aircraft jigs and dies;
- (2) aircraft molds;
- (3) aircraft patterns;
- (4) aircraft taps and gauges;
- (5) aircraft manufacturing test equipment; and
- (6) aircraft fixtures.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
00	83%
99	68%
98	51%
97	35%
96	18%
95 and prior	4%

~~[25.]~~24. Class 26 - Personal Watercraft

a) Taxable value is calculated by applying the percent good factor against the cost new.

b) The 2001 percent good applies to 2001 models purchased in 2000.

c) Personal watercraft have a residual taxable value of \$500.

TABLE 26

Year of Model	Percent Good of Cost New
01	90%
00	64%
99	60%
98	57%
97	53%
96	49%
95	46%
94	42%
93	38%
92	35%
91	31%
90	27%
89	24%
88 and prior	20%

F. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 2001.

KEY: taxation, personal property, property tax, appraisal
~~[June 21,] 2000~~ **Art. XIII, Sec 2**
Notice of Continuation May 8, 1997 **59-2-301**



Tax Commission, Property Tax
R884-24P-62
 Valuation of State Assessed Utility and
 Transportation Properties Pursuant to
 Utah Code Ann. Section 59-2-201

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 23217
 FILED: 10/13/2000, 14:04
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah Code Ann. Subsection 59-2-201(1) requires the Tax Commission to assess utilities and transportation companies that operate as a unit across county lines. The amendments result in a rule that better implements these assessment responsibilities.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments would provide clearer guidelines by which centrally assessed utility and transportation companies would be assessed for property tax purposes and make specific substantive changes to become effective January 1, 2001.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is anticipated that the amendments will decrease the number of appeals to some extent. Additional appeal costs or savings could result depending upon the actual decrease in number of appeals.

❖LOCAL GOVERNMENTS: It is anticipated that the amendments will decrease the number of appeals to some extent. Additional appeal costs or savings could result depending upon the actual decrease in number of appeals. Also, the amendments may decrease the assessed values of state assessed companies. Should this be the case, the reduced amount of taxes paid by these companies would be shifted to other taxpayers.

❖OTHER PERSONS: It is anticipated that the amendments will decrease the number of appeals to some extent. Additional appeal costs or savings could result depending upon the actual decrease in number of appeals. Also, the amendments may decrease the assessed values of state assessed companies. Should this be the case, the reduced amount of taxes paid by these companies would be shifted to other taxpayers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are anticipated as the state assessed companies' reporting procedures remain basically the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments could cause appraised values of centrally assessed companies to either decrease or increase, resulting in a tax shift to other taxpayers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-62. Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201.**

A. Definitions:

1. "Attributes" of property include all defining characteristics inseparable from real property and tangible personal property, such as size, location and other attributes inherent in the property itself.

2. "Cost regulated utility" means any public utility assessable by the Commission pursuant to Section 59-2-201, whose allowed rates are determined by a state or federal regulatory commission by reference to a rate of return applied to rate base where the rate of return and rate base are set by the regulatory body.

3. "Depreciation" is the loss in value from any cause. There are two distinct types of depreciation encountered in the appraisal of properties subject to this rule: accounting depreciation and appraisal depreciation. Accounting depreciation is often called "book depreciation" and is generally calculated in accordance with generally accepted accounting principles or regulatory guidelines. Appraisal depreciation is the total loss in property value from any cause. There are three recognized types of appraisal depreciation: physical deterioration, functional obsolescence and external obsolescence. Physical deterioration is the physical wearing out of the property evidenced by wear and tear, decay and structural defects. Physical deterioration includes the loss in value due to normal aging. Functional obsolescence ~~is~~ includes the loss in value due to functional deficiencies or inadequacies within the property depicted as the inability of the property to perform adequately the functions for which it was originally designed. External (economic) obsolescence is the loss in value from causes outside the boundaries of the property and is generally incurable. Appraisal depreciation is often called "accrued depreciation."

4. "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. Fair market value reflects the value of property at its highest and best use, subject to regulatory constraints.

5. "Property which operates as a unit" or "unitary property" means property that is functionally or physically integrated in operation or construction and functions as an economic unit or "one thing."

6. "Rate Base" means the aggregate account balances reported as such by the cost regulated utility to the applicable state or federal regulatory commission.

7. "State Assessed Utility and Transportation Properties" include all property which operates as a unit across county lines, if the values must be apportioned among more than one county or state; all operating property of an airline, air charter service, and air

contract service; and all property of public utilities as defined in Utah Code Ann. Section 59-2-102(21). For property tax valuation purposes, these properties may generally be classified as telecommunication properties, energy properties, and transportation properties, some of which may be cost regulated utilities.

a. "Telecommunication properties" means all telephone properties, including local exchange carriers, local access providers, long distance carriers, cellular telephone or personal communication service (PCS) providers and pagers, and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

b. "Energy properties" include the operating property of natural gas pipelines, natural gas distribution companies, liquid petroleum products pipelines, and electric corporations, including electric generation, transmission, and distribution companies, and other similar type entities and are assessable by the Commission pursuant to Section 59-2-201.

c. "Transportation properties" means all airlines, air charter services, air contract services, including major and small passenger carriers and major and small air freighters, long haul and short line railroads, and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

8. "Taxable Property" means property that is subject to assessment and taxation according to its value but does not include intangible property. Intangible property is property that is capable of private ownership separate from tangible property and includes moneys, credits, bonds, stocks, representative property, franchises, licenses, trade names, copyrights, and patents.

B. General Valuation Principles. State assessed utility and transportation properties shall be assessed at fair market value for property tax purposes based on generally accepted appraisal theory and the provisions of this rule.

1. Taxable Property and Unit Methodologies. All taxable property, as defined in this rule, is subject to assessment, and if the property operates together as a unit, the assemblage or enhanced value attributable to the taxable property operating together should be included in the assessed value. The value attributable to intangible property must, when possible, be identified and removed from value when using any valuation method and before that value is used in the correlation process.

a. The preferred methods to determine the fair market value for all state assessed utility and transportation property are a cost indicator and a yield capitalization income indicator.

b. Other generally accepted appraisal methods may also be used when it can be demonstrated that such methods are necessary in order to more accurately estimate the fair market value, which includes assemblage or enhanced value, of properties that operate together as a unit.

c. The direct capitalization income method and the stock and debt market method may tend to capture the value of intangible property, as defined in this rule, at higher levels than other methods. To the extent such intangible property cannot be identified and removed, relatively less weight shall be given to such methods in the correlation process, as set forth in Section B.5.

d. No final estimate of value will be imposed or considered unless the weighting percentages of the various value indicators used to correlate the final estimate of value are disclosed in writing. Disclosure of the weighting percentages also includes a written

explanation describing why a party weighted the particular indicators of value by the percentages so indicated.

e. A party may challenge a final estimate of value by proposing changes to the application of a methodology, by proposing a different valuation methodology or weighting formula, or by presenting any other evidence or argument that establishes a more accurate final estimate of value. A challenge to a final estimate of value will be considered effective only if the proposed valuation methodology or weighting formula demonstrates, by a preponderance of the evidence, that it establishes a more accurate estimate of fair market value.

2. Cost Indicator. Cost is relevant to value under the principle of substitution, which states that no prudent investor would pay more for a property than the cost to construct a substitute property of equal desirability and utility without undue delay. Generally a cost indicator may be developed under one or more of the following approaches; replacement cost new less depreciation ("RCNLD"), reproduction cost less depreciation ("Reproduction Cost"), and historic cost less depreciation ("HCLD").

a. RCNLD. Replacement cost is the estimated cost to construct, at current prices, a property with utility equivalent to that being appraised, using modern materials, current technology and current standards, design, and layout.

b. Reproduction Cost. Reproduction cost is the estimated cost to construct, at current prices, an exact duplicate or replica of the property being assessed, using the same materials, construction standards, design, layout and quality of workmanship, and embodying all the deficiencies, superadequacies, and obsolescence of the subject property. Reproduction cost shall be adjusted for appropriate depreciation.

c. HCLD. The HCLD approach is the historic cost less depreciation. Depending upon the industry, it may be appropriate to trend HCLD to current costs. Only trending indexes commonly recognized by the industry may be used as a trending adjustment to HCLD.

d. In the mass appraisal environment for state assessed utility and transportation property, RCNLD is impractical to implement. The preferred cost indicator of value is HCLD. A party may challenge the use of HCLD by proposing a different cost indicator that establishes a more accurate cost estimate of value. A challenge to the use of HCLD as the cost indicator of value will be considered effective only if the proposed cost indicator of value demonstrates, by a preponderance of the evidence, that it establishes a more accurate cost estimate of value.

3. Income Indicator. An income indicator recognizes that value is created by the expectation of future benefits to be derived from the property.

a. Yield Capitalization Approach. This income indicator shall be determined by converting future cash flows to present value as of the lien date by capitalizing future estimated cash flows at an appropriate discount rate. The yield capitalization formula is $CF/(k-g)$, where "CF" is cash flow, "k" is the nominal, risk adjusted discount rate, and "g" is the expected future growth of the cash flow in the numerator. Each of these terms is defined below. A discounted cash flow method in which (i) individual years' cash flow are projected, (ii) the formula $CF/(k-g)$ is used to compute terminal value, and (iii) the projected cash flows and terminal value are discounted back to present value; may be used as a substitute income valuation approach for the above yield capitalization

approach when the use of a single representative annual cash flow is clearly inappropriate.

(1) Cash Flow ("CF"). Cash flow is restricted to cash flows provided by the operating property in existence on the lien date, together with any replacements intended to maintain, and not expand or modify, the existing capacity or function thereof. Cash flow is calculated as net operating income (NOI) plus noncash charges (e.g., depreciation and deferred income taxes), less capital expenditures and additions to net working capital necessary to achieve the expected growth "g". The cash flows should reflect the cash flows available to pay sources of financing for the assets in existence on the lien date or an equivalent pool of assets. The capital expenditures should include only those expenditures necessary to replace or maintain existing plant and should not include any expenditures intended for expansion or productivity and capacity enhancements. If a taxpayer is unable to separate replacement capital expenditures with reasonable accuracy from expansion capital expenditures, the taxpayer must provide the Property Tax Division sufficient data to adjust the "g" in the yield capitalization formula appropriately. If the taxpayer is unable to provide data to adjust the "g", the Property Tax Division will estimate an adjustment to cash flows or "g" based on the best information available, including industry specific cost indices. Information necessary for the Property Tax Division to calculate the appropriate cash flow shall be summarized and submitted to the Property Tax Division by March 1 on a form provided by the Property Tax Division. The calculation of Cash Flow may be illustrated by the following formula: $CF = NOI + \text{Noncash Charges} - \text{Replacement Capital Expenditures} - \text{Additions to Net Working Capital}$

(a) Cash flow is the projected cash flow for the next year and may be estimated by reviewing the last five years' cash flows, forecasting future cash flows, or a combination of both.

(b) If cash flows for a subsidiary company are not available or are not allocated between subsidiary companies on the parent company's cash flow statements, then a method of allocating total cash flows must be developed based on sales, fixed assets, or other reasonable criteria. Whichever criterion is chosen, the subsidiary's total is divided by the parent's total to produce a percentage that is applied to the parent's total cash flow to estimate the subsidiary's cash flow.

(c) If the subject company does not provide the Commission with its most recent cash flow statements by March 1 of the assessment year, Property Tax Division may estimate cash flow using the best information available.

(2) Discount Rate ("k"). The discount rate shall be based upon a weighted average cost of capital considering current market debt rates and equity yields determined by recognized market measurements such as capital asset pricing model ("CAPM"), Risk Premium, Dividend Growth models, or other recognized models. The weighting of debt and equity should reflect the market value weightings of comparable companies in the industry.

(a) Cost of Debt. The cost of debt should reflect the current market rate (yield to maturity) of debt with the same credit rating as the subject company.

(b) Cost of Equity. In the discount rate, the CAPM is the preferred method to estimate the cost of equity. More than one method may be used to correlate a cost of equity, but only if the CAPM method is weighted at least 75% in the correlation.

(c) CAPM. The CAPM formula is $k(e) = R(f) + (\text{Beta} \times \text{Risk Premium})$, where $k(e)$ is the cost of equity and $R(f)$ is the risk free rate.

(i) Risk Free Rate ("R(f)"). The risk free rate shall be the current market rate on 20 year Treasury bonds.

(ii) Beta. The beta should reflect an average or value-weighted average of comparable companies. The beta of the comparable companies should be drawn from Value Line or a comparable source. Once a source is chosen, beta should be drawn consistently from this source. However, the beta of the specific assessed property should also be considered.

(iii) Risk Premium. ~~[The risk premium shall be obtained from the current Ibbotson Associates study.]~~ The risk premium shall be the arithmetic average of the spread between the return on stocks and the income return on long term bonds for the [most recent 40 years]entire historical period contained in the Ibbotson study that summarizes information for the calendar year immediately preceding the lien date.

(3) Growth Rate ("g"). The growth rate "g" is the expected future growth of the cash flow in the numerator of the formula given in $CF/(k-g)$. If insufficient information is available to the Property Tax Division, either from public sources or from the taxpayer, to determine an appropriate "g", then "g" will be the expected inflationary rate as given by the Gross Domestic Product Price Deflator obtained in Value Line. The inflationary rate and the methodology used to produce it shall be disclosed in a capitalization rate study published by the Commission by February 15 of the assessment year.

b. Direct Capitalization Approach. This is an income approach that converts an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the normalized income estimate by an appropriate income capitalization rate or by multiplying the normalized income estimate by an appropriate factor.

4. Market Indicator. The market value of property is directly related to the prices of comparable, competitive properties; or the sale of the specific assessed property when such information is available. The market or sales comparison approach is estimated by comparing the subject property to similar properties that have recently sold. Because sales of state assessed utility and transportation properties are infrequent, the stock and debt approach may be used as a surrogate to the market approach. The stock and debt method is based on the accounting principle which holds that the market value of assets equal the market value of ~~[liability]~~liabilities plus shareholder's equity.

5. Correlation. When reconciling value indicators into a final estimate of value, the appraiser shall take into consideration the availability, and quality or reliability of data and the strength and weaknesses of each value indicator. The percentage weight assigned to each indicator in the correlation process shall be established, disclosed and explained as set forth in Section B.1.

6. Non-operating property. Property that is not necessary to the operation of the state assessed utility or transportation properties and is assessed by the local county assessor, and property separately assessed by the Property Tax Division, such as registered motor vehicles, shall be removed from the correlated unit value or from the state allocated value.

7. Leased property. All tangible operating property owned, leased, or used by state assessed utilities and transportation companies is subject to assessment.

8. Property Specific Considerations. The Commission recognizes that because of unique differences between certain types of properties and industries, modifications or alternatives to these general cost and yield income indicators, as set forth in Sections C., D., and E., may be required for the following industries: (a) cost regulated utilities, (b) telecommunications properties, and (c) transportation properties.

C. Cost regulated utilities:

1. Cost Indicator. The HCLD approach is the preferred cost indicator of value for cost regulated utilities because it represents an approximation of the basis upon which the investor can earn a return. The HCLD approach is calculated by taking the historic cost less depreciation as reflected in the state assessed utility's net plant accounts, and by then (1) subtracting intangible property, (2) subtracting any items not included in the state assessed utility's rate base (e.g., deferred federal income taxes ("DFIT") and, if appropriate, acquisition adjustments), and (3) adding any taxable items not included in the state assessed utility's net plant account or in rate base.

a. Deferred Federal Income Taxes. DFIT is an accounting entry that reflects a timing difference for reporting income and expenses. Accumulated DFIT reflects the difference between the use of accelerated depreciation for income tax purposes and the use of straight-line depreciation for financial statements. For traditional rate base regulated companies, regulators generally exclude DFIT from rate base, recognizing it as ratepayer contributed capital. Where rate base is reduced by DFIT for rate base regulated companies, DFIT may be removed from HCLD as one type of economic obsolescence.

b. DFIT can be one type of economic obsolescence. If a study is prepared that authenticates actual economic obsolescence and is approved by the Commission, the amount of the actual economic obsolescence will be subtracted from HCLD to develop the cost indicator of value.

2. Income indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

D. Telecommunications Properties:

1. Cost Indicator. The HCLD approach, which may, if appropriate, be trended as set forth in Section B.2., is the preferred method to derive the cost indicator of value.

2. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

E. Transportation Properties.

1. Railroads.

a. Cost Indicator. The Railroad industry is not rate base regulated and does not typically have a majority of its investment in property of recent vintage. Accordingly, for Railroads, the cost indicator should generally be given little or no weight because there is no observable relationship between cost and fair market value. Cost valuation should be based on trended historical costs less depreciation. Additions should be made for material and supplies and operating leased equipment. Deductions should be made for all capitalized intangible property such as customized computer

software. All forms of depreciation should be measured and appropriately deducted.

b. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

2. Commercial airlines.

a. Cost Indicator. The HCLD approach, appropriately trended as set forth in Section B.2., is the preferred method to derive the cost indicator of value.

b. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

F. This rule shall have an effective date of January 1, ~~2000~~2001.

KEY: taxation, personal property, property tax, appraisal
~~June 21,~~2000 59-2-201
Notice of Continuation May 8, 1997



Transportation, Preconstruction **R930-6** Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of- Way

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23198
 FILED: 10/05/2000, 09:37
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule changes are required because of department's review and legislative changes.

(DAR Note: the referenced "legislative changes" are were made by H.B. 202, found at 1998 Utah Laws 270, and effective March 21, 1998 (dealing with the renumbering of the Transportation code); and by S.B. 78, found at 2000 Utah Laws 347, and effective July 1, 2000 (dealing with longitudinal access to interstate highway rights-of-way for telecommunication facilities.)

SUMMARY OF THE RULE OR CHANGE: (1) The State Code numbering changed. The rule needed to be updated with the proper reference number.

(2) Section R930-6-5 - Definitions - some of the definitions were changed and others added.

(3) Subsection R930-6-6(g) - when installing utilities within 20 feet of the edge of pavement, it will be required that the facility be 60 inches (5 feet) in order to clear highway signs or delineators.

(4)(a) Subsection R930-6-7(1) - a utility line agreement will be required for utilities to be installed on the Utah Department of Transportation's (UDOT) right-of-way; (b) Subsection R930-6-7(c) - this subsection clarifies what the permitting process is and explains what the applicant needs to submit to UDOT to obtain a permit; (c) Subsection R930-6-7(d) - the Utah Code allows UDOT to recover the management cost incurred for issuing a permit for utilities to occupy UDOT's right-of-way. The permit fee will include administration costs, review of plans, field reviews, and inspection costs; (d) Subsection R930-6-7(3)(a)(ii) - a payment bond will be required to ensure payment for inspection costs; (e) Subsection R930-6-7(3)(b)(vi) - the utility company is required to use Global Position System (GPS) to maintain an electronic data file of the location of the utility facility to be used by UDOT when needed. If the company fails to maintain an up-to-date file of the location of their facilities, UDOT will locate the utility facility at the owner's expense; (f) Section R930-6-14 - this section has changed to include a more detailed explanation on how a driveway shall be designed and evaluated to ensure that the impact of the location of said driveway minimizes interruption to those using the highway; (g) Section R930-6-15 - added a reference to Section 41-6-19 of the Utah Code; (h) Section R930-6-16 - language was added to clarify what constitutes an emergency; (i) Section R930-6-17 - this section is new. This section is the procedure for the accommodation of telecommunication facilities on interstate highway rights-of-way.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-3-109, 72-6-116, 72-7-102 and 72-7-108
 FEDERAL REQUIREMENT FOR THIS RULE: 23 CFR Part 645, Subpart B

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 23 CFR, Part 645, Subpart B, Accommodation of Utilities, May 2000 edition.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Due to the change of Utah Code Section 72-6-116, the cost of relocating utilities on highway projects is increased. The new law requires that the department pay for 50 percent of the costs to relocate utilities affected by the highway project. There are no dollar amounts provided because the costs are project-specific and vary from project to project.

❖LOCAL GOVERNMENTS: The permit fee and the requirement for utilities to maintain a database of the actual location of the utility facility will affect local government. We have described the items that will be included in the permit fee instead of providing a dollar amount because at the present time, we are trying to develop a fee schedule. Each permit is different and we have not determined if we are going to have a basic fee for all permits or have a fee structure for a specific permit.

❖OTHER PERSONS: The increase in the permit fee and the requirement for utility owners to GPS and maintain a database of the actual location of the facility will affect utility owners. We have described the items that will be included in the permit fee instead of providing a dollar amount because at the present time, we are trying to develop a fee

schedule. Each permit is different and we have not determined if we are going to have a basic fee for all permits or have a fee structure for a specific permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost of issuing a permit will include administrative, plan review, field review and inspection costs. This cost will be determined based on the size of the project being proposed by the utility owner or developer. We have described the items that will be included in the permit fee instead of providing a dollar amount because at the present time, we are trying to develop a fee schedule. Each permit is different and we have not determined if we are going to have a basic fee for all permits or have a fee structure for a specific permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The impact on business for accommodation of utilities within UDOT's right-of-way will be the cost of issuing a permit, which includes administrative, plan review, field review and inspection. The rule includes permits for access openings for development adjacent to the highway. The cost of obtaining this permit will impact businesses. Section R930-6-17 is a new section for the accommodation of telecommunication facilities on the interstate right-of-way. The impact to the telecommunication providers will be the cost of the permit and the cost to occupy interstate right-of-way, which will be compensated to UDOT in cash or in in-kind compensation.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
 Preconstruction
 Calvin Rampton Building, 4th Floor
 4501 South 2700 West
 PO Box 148445
 Salt Lake City, UT 84114-8445, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Orlando Jerez at the above address, by phone at (801) 965-4176, by FAX at (801) 965-4564, or by Internet E-mail at ojerez@dot.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/01/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2000

AUTHORIZED BY: John Njord, Deputy Director

R930. Transportation, Preconstruction.

R930-6. Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way.

R930-6-1. Policy.

(1) The policy of the Utah Department of Transportation (UDOT) is to accommodate utility facilities installations on federal aid and non-federal aid highway rights-of-way, to the extent that these facilities may be accommodated without compromising the safety or integrity of the highway and without interference with the

normal operation and maintenance activities as required for state highways in accordance with Title [27]72, Chapter [12]1.

(2) The Utah Department of Transportation shall allow utilities to place utility facilities on highway rights-of-way which receive federal funds subject to their compliance with the 23 Code of Federal Regulations, Part 645, Subpart B, "Accommodation of Utilities".

R930-6-2. Authority.

The provisions of this rule are authorized by the following grants of rulemaking authority: Section [27-12-11(2)(a)]72-3-109; Section [27-12-11(7)]72-6-116; Section [27-12-88(7)]72-6-117; [Section 27-12-111;] Section [27-12-133]72-7-102; [Section 27-12-134;] and Section [27-12-136.6]72-7-503.

R930-6-3. Purpose.

Control of State Highway right-of-way is necessary to provide for the safe and efficient operation of highways and to utilize the full potential of the highway investment. Owners of property fronting on a highway have certain rights of access unless such access has been restricted by purchase or by legal action. Utility facilities shall be accommodated for public service. Road users should also be able to expect reasonably safe highways for travel. These rules are necessary to provide efficient use of the right-of-way to satisfy all of these needs.

These rules and procedures are promulgated to achieve traffic safety and to provide reasonable convenience to the traveling public and adjoining property owners, and to provide guidelines for accommodation of utilities facilities within or across the highway rights-of-way and access management.

R930-6-4. Incorporations by Reference.

The following federal law, Federal agency manuals, national organizations and associations standards, and UDOT illustrations standard specifications technical manuals with tables, and technical requirements are adopted and incorporated by reference:

(1) 23 CFR, Part 645, Subpart B, Accommodation of Utilities, [April 1, 1994]May 2000 edition.

(2) Federal Pipeline Safety Act, 49 USCA Section 60101 et[.] seq., July[.] 1994 Edition.

(3) Transportation of Natural Gas and Other Gas by Pipeline, 49 CFR, Part 192, Edition March 20, 1995.

(4) AASHTO's Roadside Design Guide, edition of 1996.

(5) AASHTO's, "A Policy On the Accommodation of Utilities within Freeway Right-of-Way", February, 1989 edition.

(6) AASHTO's, "Policy on Geometric Design of Highways and Streets", 1994 edition.

(7) AASHTO's "Standard Specifications for Highway Materials and Methods of Sampling and Testing Part II", 1993 edition, AASHTO Designation T-99.

(8) American National Standards Institute (ANSI) B31.3 1993 edition [including addenda B31.a 1993, B31.3b 1994 and B31.3c 1995].

(9) American Petroleum Institute (API) 1104 for Piping, 18th edition 1994.

(10) American Society of Testing and Materials (ASTM), A53-93a, and A134, A135 and A139, 1993 edition.

(11) American Water Works Association (AWWA), specifications C200-86, 1987 edition.

(12) Manual on Uniform Traffic Control Devices, MUTCD, Federal Highway Administration.

(13) National Electrical Safety Code, C-2 Section 232, 1993 edition.

(14) UDOT Standard Plans.

(15) Standard Specification for Road and Bridge Construction, 1994 edition.

R930-6-5. Definitions.

(1) AASHTO - American Association of State Highway and Transportation Officials.

(2) ANSI - National Standards Institute.

(3) API - American Petroleum Institute.

(4) Arterial Highway - A general term denoting a highway primarily for through traffic, usually on a continuous route.

(5) ASTM - American Society of Testing and Materials.

(6) Average Daily Traffic (ADT) - The estimated average 24-hour volume, being the estimated total annual volume during a stated period divided by 365 estimated days annually.

(7) Backfill - Replacement of soil around and over a pipe or utility line.

(8) Bury - Depth of top of pipe or utility line below grade of roadway or natural ground or the bottom of a stream channel.

(9) Cap - Rigid structural element surmounting a pipe or utility line.

(10) Carrier - Pipe directly enclosing a transmitted fluid (liquid or gas).

(11) Casing - A larger pipe enclosing a carrier.

(12) Clear Roadside Policy - The policy employed by UDOT to increase safety, improve traffic operations and enhance the appearance of highways by designing, constructing, and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground, within the clear zone as defined in AASHTO's "Roadside Design Guide".

(13) Company - The utility company either publicly, privately or municipally owned who is making application to occupy highway right-of-way.

(14) Conduit or Duct - An enclosed casing for protecting wires or cables.

(15) Control of Access - The condition where the right of owners of abutting land or any other persons having access to highway right-of-way is [fully or partially] controlled by the appropriate public authority.

(16) Contiguous Property - A parcel of land which has two or more frontages abutting highway rights-of-way.

(17) Drain - A facility to accommodate the discharge of fluids from a conduit, culvert or casing.

(18) Driveway - A driveway is an access constructed within the public way, connecting the public roadway with the adjacent property.

(19) Encasement - Structural element surrounding a pipe.

(20) Encroachment - Unauthorized use of highway right-of-way.

(21) Encroachment Permit - Document which specifies the requirements and conditions under which work on the highway right-of-way may be performed.

(22) Expressway - A divided arterial highway for through traffic with full or partial control of access.

(23) Freeway - An expressway with full control of access.

(24) Easement - An interest in real property that conveys use, but not ownership, of a portion of an owner's property.

(2[4]5) Frontage Road - A local street or road auxiliary to and located on the side of an arterial highway for service to abutting and adjacent properties.

(2[5]6) Galleries - An underpass for two or more underground utilities.

(2[6]7) Highway Prism - The portion of a highway within the construction limits of roadway between the top of cut or toe of fills [~~(as shown in figure a, page 3-2, Manual for the Accommodation of Utilities and the Control and Protection of State Highway Rights-of-Way)~~].

(2[7]8) Highway, Street or Road - A general term denoting a public area way for purposes of vehicular travel, including the entire area within the right-of-way.

(2[8]9) Industrial and Commercial - Areas designated as industrial and commercial under local government zoning ordinances.

(2[9]30) Intersection - The general area where two or more highways join or cross at-grade.

(3[0]1) Limited (Partial) Control of Access - preference is given to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

(3[1]2) Manhole - An access opening in an underground system which workers or others may enter for the purpose of making installations, repairs or maintenance.

(3[2]3) Median - The portion of a divided highway separating the traveled ways for traffic in opposite directions.

(3[3]4) MUTCD - Manual on Uniform Traffic Control Devices.

(3[4]5) Normal and Routine Maintenance Activities - Normal maintenance operations are those not requiring excavations in excess of the minimum horizontal clearance and depth of bury.

(3[5]6) Pavement Structure - The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load.

(3[6]7) Permit - See Encroachment Permit.

(3[7]8) Person - "Person" means any individual, partnership, corporation, association, government entity, or public or private organization or any character other than an agency [~~as defined by subsection~~], as noted in Subsection 63-46a-2(10).

(3[8]9) Pressure - Relative internal pressure in pascal (PA).

(3[9]40) Public Authority - A public administrative agency or corporation authorized to administer a public enterprise.

(4[0]1) Rest Area - A roadside area with parking and other facilities, separated from the roadway, provided for motorists to stop and rest.

(4[1]2) Roadside - A general term denoting the area adjoining the outer edge of the roadway.

(4[2]3) Roadway - The portion of a highway, including shoulders, for vehicular use.

(4[3]4) Rural - Areas incorporated, or census designated of under 2,500 population.

(4[4]5) Shoulder - The paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles.

(4[5]6) Structure - Any device used to convey vehicles, pedestrians, animals, waterways or other materials over highways, streams, canyons, or other obstacles. A major structure is a highway structure with a span or multiple span length of 20 feet or more measured along the center line of the roadway and a minor structure is the same as a major structure except it is less than 20 feet.

(4[6]7) Subbase - A layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.

(4[7]8) Traveled Way - The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

(4[8]9) Trenched - Installed in a narrow open excavation.

([49]50) UDOT - The Utah Department of Transportation.

(5[0]1) Untrenched - Installed without breaking ground or pavement surface such as boring, jacking or augering.

(5[1]2) Urban - [~~An incorporated~~] A census designated area with a population of 2,500 or more or any portion of a designated Metropolitan Planning Organization planning boundary.

(5[2]3) Utility - Privately, publicly, cooperatively or municipally owned pipe lines, facilities or systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities, which directly or indirectly service the public or any part thereof.

(5[3]4) Utility Facility - Pipe lines, installations or systems for transmitting or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities.

(5[4]5) Utility Line Agreement - Document by which UDOT approves the use and occupancy of highway rights-of-way by utility facilities or private lines.

(5[5]6) Vent - Appurtenance to discharge gaseous accumulations from casings.

(5[6]7) View Area - A roadside area provided for motorists to stop and view the scenery in safety.

R930-6-6. Right-of-Way Use: Conditions and Requirements.

(1) General Conditions. The following provisions are applicable to all commercial and industrial establishments, service areas, utility companies, private residences, farms, or any other property. [~~This rule does not apply to utility lines for servicing facilities required for operation of the highway system.~~]

(a) Transferability. No permitted interest or right-of-way shall be transferred to another utility or person except by written consent of UDOT.

(b) Recognition of existing interests. UDOT recognizes that pre-existing property interests within UDOT rights-of-way exist. Proof of a pre-existing property interest within a public right-of-way shall be accepted in the form of either a duly executed deed, grant or other document establishing the same, or at least two affidavits sufficient to establish prior right or title of the utility or person.

In the absence of such proof, it shall be assumed that the utility or person occupies the right-of-way as a permittee [(i.e. by permission), and enjoys no vested interest.

In those instances when UDOT requires a utility or person with a pre-existing property interest to move completely or partially off the right-of-way, UDOT shall make appropriate remuneration for the relinquishment of that interest.

(c) Indemnification. Applicants to whom permits may be granted shall at all times indemnify and hold harmless UDOT, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of any pole line, surface or subsurface line or other facility. The permit holder shall be responsible for the maintenance of the excavation for a period of three years in accordance with applicable specifications for excavations across State Highway rights-of-way.

The adoption of these rules by UDOT does not constitute an acceptance or recognition of pre-existing property interests. UDOT assumes no liability associated with these interests and uses, either for the safety to users or the traveling public, damage to property, or for the continued use thereof.

(d) Notice of damage. Notification of damage to any underground utility facility by UDOT or by another utility shall be made to the affected utility as specified in Title 54, Chapter 8a and Section ~~[27-12-133]~~72-7-102.

(e) Installation of New Utilities, and Upgrading or Relocating of Existing Utilities.

(i) UDOT acquires rights-of-way which are adequate not only for the construction of the highway facility, but also for its safe operation and maintenance. The rights-of-way shall be devoted exclusively to public highway purposes, except that certain nonhighway uses of rights-of-way may be allowed which are in the public interest provided such uses do not impair or interfere with the free and safe flow of traffic and highway maintenance.

(ii) UDOT recognizes that it is in the public interest for utilities to jointly use the right-of-way of public roads and streets when such use does not interfere with the primary purpose of the highway. The opportunity for joint use avoids the additional cost of acquiring separate right-of-way for the exclusive accommodation of utilities.

(iii) UDOT may require the relocation of utilities located on any highway right-of-way when highway changes are required to provide for the free and safe flow of traffic.

(iv) Utility facilities owned by political subdivisions may occupy state highway rights-of-way to provide services to abutting residents, but utilities may not interfere with the free and safe flow of the traffic. When highway improvements require the relocation of facilities, they shall be moved at the owner's sole expense unless UDOT has agreed to pay or share in the cost of relocation as is required under ~~S[ubs]ection [27-12-11]~~72-6-116~~(2)(b)~~.

(v) Utility facilities owned by political subdivisions may be placed in highway rights-of-way that do not directly serve abutting owners. However, the relocation costs may not be funded with highway funds, and shall be totally paid for by the owner unless UDOT has agreed to pay~~;~~ or share in the cost of relocation as is required under ~~S[ubs]ection [27-12-11(2)(b)]~~72-6-116.

(vi) Reimbursement to a utility for expenses incurred in relocating its facility shall be waived as a condition of obtaining a permit when requests are made to install new facilities within the highway right-of-way under any of the following circumstances:

(A) When the installation of such facilities is to be by attachment to a highway structure. See Section R930-6-10.

(B) When the installation is to be longitudinally along the highway under the highway prism or under a cut ditch adjacent to such highway and it does not meet the 60"-inch depth requirement. See Section IV. H.

(C) When the installation is within a highway right-of-way in an area that is designated for construction by UDOT on its five or ten year highway improvement planning documents.

(vii) These rules shall apply only to state highways as defined in Section ~~[27-12-21]~~72-3-102.

(f) Severability. If any part or parts of these rules shall be held to be unlawful, such unlawfulness may not affect the validity of the remaining parts of these rules. Nothing in these rules shall be construed to disqualify UDOT from receiving Federal participation on any Federal-aid Highway Project.

(g) Depth of Bury. Depth of bury shall be at least 0.91m (3 feet). When facilities are installed within 6.10m (20 feet) from the edge of pavement, the depth requirement is 1.52m (5 feet) in order to clear signs of delineators installed by UDOT.

R930-6-7. Utility Line Agreements, Permits and Utility Installation Requirements.

(1) Utility line agreements. Any utility company or political subdivision desiring to use a right-of-way for the construction, maintenance, repair, operation, or use of any pole line, surface or subsurface line or other facility shall be licensed to do so by entering into a utility line agreement with UDOT.~~[-An agreement shall be required for all longitudinal installations in excess of 30 meters (100 feet) and for a right-of-way crossing whether or not a structure or construction within the right-of-way is involved.]~~

A licensing agreement may not be required for service connections after a main line has been installed.

(2) Permits - Reasonableness and Requirements of Issuance.

(a) Permits issued shall contain reasonable terms and conditions pertaining to crossing, digging-up, or the placement, construction, and maintenance of approach roads, driveways, structures, poles, pipelines, conduits, sewers, ditches, culverts, facilities, or any other structures or objects on rights-of-way.

(b) No utility or person shall work in or from, dig up, disturb, or alter the land surface or the roadway surface within the right-of-way of any State Highway under any utility line agreement until a permit, in writing, has first been obtained from UDOT except in emergency situations as provided in Section ~~[R930-6-7(3)(1) of these rules]~~V.C.9 of this manual.

The UDOT Region Director or his authorized representative shall issue permits for locating or relocating of any ~~[pole line, pipe line, transmission and/or distribution]~~utility facility on rights-of-way. Permit applicants shall comply with all applicable environmental laws before the UDOT Region/District Director or his authorized representative shall issue a permit to proceed with any work.

~~[(c) For each permit issued, UDOT shall assess a fee to cover administrative costs for issuance of the permit.]~~(c) Permit Process - See Appendix D for flow chart.

(i) Submit two (2) sets of plans with application. The plans shall show the right of way, all existing utilities, depth of proposed line, location of new facility in relation to center line of road, and location of manholes.

(ii) Plans are reviewed by UDOT staff taking into consideration any future projects. If plans are approved, the permit

officer will stamp them approved and give the utility company a copy and will retain an approved copy to give to the inspector.

(iii) The utility contractor will come in and obtain the permit in the name of the utility company. The contractor will notify UDOT's inspector prior to beginning any work.

(iv) If an inspector is not needed on the job, the contractor will notify UDOT when work is completed.

(d) For each permit issued, UDOT shall recover the cost for:

(i) Planning coordination;

(ii) Administration support cost;

(iii) Review of plans by UDOT staff;

(iv) Field review by UDOT staff;

(v) Inspection cost.

(3) Utility Facility Installation Requirements.

(a) Surety Bonds. Unless otherwise provided by prior written agreement, pursuant to Section 27-12-134(2)-7-102, the following bonding requirements are to be met by each utility or person applying for a permit.

(i) A minimum performance bond of \$3,000 \$10,000 for each project shall be required for all excavation permits except from counties and municipalities, except that the UDOT Region Director shall have power to require a bond of any county or municipality that fails to live up to the terms and conditions of any previous permit issued. Larger bonds may be required at the option of the UDOT Region Director for extensive work. Bonds shall run for a term of three (3) years after completion of the work to guarantee satisfactory performance. The UDOT may proceed against the bond to recover all expenses incurred by UDOT, its employees or representatives, in bringing the section of roadway interfered with to required standards.

~~(ii) Contractors planning to do several small jobs during a calendar year may post a bond of \$10,000 to cover several small projects. The UDOT Region Director shall furnish an extra copy of individual permits to the bonding company if requested by the utility or its contractor.~~ (ii) A payment bond to ensure payment of costs incurred by UDOT for planning coordination, administration and support, plan review, field review, and inspection costs. UDOT may proceed against the bond to recover all expenses incurred by UDOT.

(b) Location.

(i) Utility facilities shall be located in such a manner so as to:

(A) eliminate or at least minimize need for later adjustment to accommodate future highway improvements, and

(B) permit access for servicing with minimum interference to highway traffic.

(ii) Longitudinal utility facility installations shall be located on uniform alignment [as near as practicable] within 0.91m (3 feet) to the right-of-way line so as to provide a safe environment for traffic operation and preserve space for future highway improvements or other utility installations.

(iii) New transverse utility facility installations permitted under highways shall be placed by boring. Open excavation shall be allowed only when prior knowledge of ground conditions or demonstrated attempts to bore prove impossible.

(iv) To the extent feasible and practicable, utility facility highway crossings shall be on a line generally 90 degrees to the highway alignment.

(v) The horizontal and vertical location of utility facilities within the highway right-of-way limits shall conform with the clear

zone policies as defined in the AASHTO "Roadside Design Guide", [1996]current edition. Above ground utility facilities are roadside obstacles and their location shall be consistent with the clearances applicable to all roadside obstacles for the type of highway involved. Any above-ground utilities installed behind barrier curb and gutter shall be placed a minimum of 460 mm (18 inches) behind the front face of the curb when no sidewalk exists or preferably 460 mm (18 inches) behind the sidewalk when both barrier curb and gutter and sidewalk exist when right-of-way is available. Installation shall meet vertical clearance of electrical power lines as defined in [R930-6-9(2)(b)(i)]V.2.b. "Power and Communication Lines." When a new utility pole is approved to be installed in [a]the sidewalk area, the pole shall be installed to allow [3ft.(1 Meter) minimum]ADA requirements for sidewalk clearance past the pole.

(vi) [Reproducible plans (including electronic plans)]It is the utility company's responsibility to maintain a set of certified reproducible plans and an electronic file showing the location of utility facilities[shall be furnished by the utility to the UDOT]. The utility company shall use GPS to survey their facilities in order to establish its location and maintain an accurate file to be used by UDOT. [Such]These plans shall include appropriate vertical and horizontal ties to the highway [centerline]control point in order that the exact location of the facility may be established as the need may arise.

If the utility company does not have the utility location plans and files available to give to UDOT when requested, then it is the responsibility of the utility company to obtain the actual location of their facilities at their own expense. If the utility fails to provide the information requested by UDOT within the schedule established by UDOT, UDOT will hire a Subsurface Utility Engineering consultant out of the pool and bill the utility company for the cost of locating their facilities.

(c) Design.

(i) Utilities shall be required to design distribution or service line crossings of freeways, spaced as needed to serve consumers in a general area along either or both sides so as to minimize the need for crossings by utility [facility]service connections. In areas where utility services are not available within a reasonable distance along the side of freeways, crossings of freeways by utility [facility]service connections may be permitted.

(ii) All utility installations on, over, or under the rights-of-way of UDOT and utility attachments to highway structures shall as a minimum meet the following requirements:

(A) Electric power and communication facilities shall conform with the most current edition of the National Electrical Safety Code[,-C-2 Section 232, 1993 edition].

(B) Waterlines shall conform with the American Water Works Association (AWWA), specifications C200-86, most current edition,[1987 edition,] and any local restrictions by political subdivisions.

Pressure pipelines shall conform with the current American National Standards Institute (ANSI) B31.3 [1993]edition[including addenda B31.3a 1993, B31.3b 1994 and B31.3c 1995]; American Petroleum Institute (API) 1104 for Piping, 18th most current edition [1994]including addenda B31.3a 1993, B31.3b 1994, and B31.3c 1995; American Society of Testing and Materials (ASTM), A53-93a and A134, A135 and A139, [1993]most current edition.

(C) Liquid petroleum pipelines shall conform with the ANSI and API specifications.

(D) Unpressurized sanitary sewer system shall conform to the ASTM specifications.

(E) Federal Pipeline Safety Act, 49 USCA Section 60101 et. seq., ~~[July, 1994]~~ most current edition and Transportation of Natural Gas and Other Gas by Pipeline 49 CFR Part 192, most current ~~[E]edition~~ ~~[March 20, 1995]~~.

(iii) Pipelines located in casings, galleries or utility tunnels shall be designed to withstand expected internal pressure and to resist internal and external corrosion. Uncased pipelines shall be designed to withstand stresses due to external loading.

(iv) Joints for carrier line pipes operating under pressure shall be of leak-proof type of construction.

(v) Ground-mounted utility facilities shall be of a design compatible with the scenic quality of the specific highway section being traversed.

(vi) All utility facilities on, over, or under on highway rights-of-way and attachments to highway structures shall be of durable materials designed for long service life expectancy reasonably free from servicing and maintenance.

(vii) On new installations or adjustments of existing utility facilities, provision shall be made for known or planned expansion of the facilities. They shall be planned so as to avoid interference when additional overhead or underground lines are installed at some future date.

(viii) The utility shall be responsible for the design of the facility to be installed within the highway rights-of-way or attached to a highway structure. UDOT shall be responsible for review and acceptance of the company's proposal particularly in the manner in which the utility facility is to be installed including the measures to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, and ease of highway maintenance and appearance of the highway.

(g) Appurtenances.

(i) ~~[When]~~ Where pipeline carriers of hazardous transmittants are to be encased, each location shall be individually analyzed to determine the need for venting. ~~[When]~~ Where vents are required, they shall be located at the high end of casings less than 46 m (150 feet) in length. ~~[When]~~ Where casings are more than 46 m (150 feet) in length and vents are to be installed, they shall be placed at both ends of the casing. Vent stand pipes shall be located so as to conform with the Department's clear roadside policy and so as not to interfere with highway maintenance operations nor to be concealed by vegetation. Vent stand pipes shall preferably be located at fences or right-of-way lines.

(ii) ~~[When]~~ Where drains are required for tunnels, casings, or galleries enclosing carriers of liquid, liquefied gas, or heavy gas, the drains may outfall into roadside ditches or natural drainage courses approved by UDOT. When such hazardous materials are discharged into UDOT's roadside ditches or natural drainage courses, the owner of the carrier shall remove the material from UDOT's right-of-way and restore the site to its original condition at their own expense. ~~[Such]~~ These outfalls ~~[shall under no condition]~~ may not be used as a wasteway for purging the carrier unless prior written approval ~~[has been]~~ is obtained from the UDOT's ~~Region/District Director or his authorized representative~~ after clearance with the ~~[σ]~~ Office of Loss Control.

(iii) Utilities shall be required to install readily identifiable and suitable markers at the right-of-way line ~~[when]~~ where it is crossed by pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable. Vents shall be allowed to serve as markers ~~[when]~~ where possible. Markers are desirable and are encouraged by UDOT for all other pipelines.

(iv) Location of manholes in the pavement or shoulders of major highways, including urban highways, shall be avoided. Exceptions may be made on streets at those locations ~~[when]~~ where manholes are necessary to access existing utility facilities. ~~[Manholes may also be installed on low traffic roadways of less than 750 ADT on state highways within municipalities].~~ Insofar as practicable, every effort shall be made to minimize ~~[such]~~ these installations and to avoid their location at street intersections.

Manholes shall be designed and located in such a manner that shall cause the least interference to other utilities and future highway expansion. Adjustment of manholes to fit new or reconstructed highway paving, grading or slope flattening shall be made by the utility at its own expense. To restore the highway pavement riding surface around the manhole, the utility shall pour a concrete collar around the manhole ring and cover to ~~[the]~~ a width and depth approved by the UDOT Region/District Office.

(v) Shut off valves shall be installed in lines at or near ends of structures and near areas ~~[when]~~ where there may be unusual hazards unless hazardous segments can be isolated by other sectionalizing devices within a reasonable distance.

(h) Inspection.

UDOT shall routinely inspect the work of the utility or their contractor to assure compliance with the agreement and to insure proper compliance with State and Federal rules and regulations. These construction inspections shall be made by the UDOT Region Director or ~~[his]~~ an authorized representative. All costs of construction inspection shall be paid by the company and ~~[shall]~~ may be paid in advance. If the inspection costs exceed the original amount deposited by the utility, the utility shall reimburse the additional funds to UDOT within thirty (30) days of billing. Failure to do so shall be cause to revoke the permit, review the utility license and remove the utility from the right-of-way. UDOT shall refund any inspection fee surplus when the inspection costs underrun.

(i) Date of Completion.

The work covered by the agreement shall be completed within a specified number of days. Failure to complete the work within the specified time shall give UDOT the option of extending the time or revoking the permit and using the bond to pay for completion of the work. Any time extension shall be in writing and approved by UDOT.

(j) Costs.

On new installations, the entire costs of the utility facility shall be paid for by the utility. In the event a highway is reconstructed requiring adjustment of manholes or relocation of the utility on the right-of-way~~], unless appropriate Federal reimbursement may be obtained by UDOT, the utility shall assume and pay all costs incident to said adjustment of manholes or relocation. In cases when facilities on Federal or state highways are owned and operated by political subdivisions], reimbursement for the relocation shall occur pursuant to S[ubs]ection [27-12-11(2)(b)-]72-6-116.~~

(k) Beginning Construction.

All excavations and/or other operations on UDOT property or right-of-way may not be commenced by the utility until and after forty-eight hours (48 hrs) notice ~~[has been]~~ is given by the utility to the UDOT Region Director or his authorized representative and a permit obtained. Construction shall be carried forward to completion in the manner required by ~~[said]the~~ UDOT Region/District Director or his authorized representative.

(l) Excavation and Backfill.

All excavation and backfill shall be made in compliance with ~~R930-6-16~~ "the Specifications for Excavation on State Highway Right-of-way" (see Appendix B). No excavation shall be made without first obtaining and posting the required permit. The permittee shall also be cleared on a variety of environmental laws, as outlined in letter dated October 9, 1997 issued by UDOT's Deputy Director (Appendix E) ~~[by the UDOT Region Director or his authorized representative]~~ before the permit is issued. An emergency excavation may be made without prior permit if there is imminent danger or loss of life or severe damage to property. In such emergency situations, the excavating parties shall contact UDOT not later than the end of the first working day following the excavation. None of the provisions of these rules are waived for emergency situations except for the prior ~~[=]~~ permit requirement. In all cases the permittee shall comply with the State Law requiring notification of all utility owners prior to excavation.

(m) Traffic Control.

The permittee shall conduct their operation so there shall be a minimum of interference ~~[without interruption of]~~ to highway traffic. ~~[The utility shall conform to such instructions of the UDOT Region Director as may be given and shall maintain flaggers, watch persons, barricades, lights and other measures in conformance with]~~ The utility shall provide a traffic control plan in conformance with the current Federal Highway Administration[?] "Manual on Uniform Traffic Control Devices", "MUTCD", during all [construction] operations of the utility, in constructing said line. No lane closure shall be made without prior approval of the UDOT Region Director or his authorized representative. Traffic control plans showing detours and signing operations shall be required in advance for review and approval for all lane closures. Peak hour lane closures may be prohibited.

(n) Restoration of Existing Pavement.

(i) The permittee shall at their own expense replace any pavement removed or damaged with pavement of a type and depth approved by the UDOT Region Director or his authorized representative, including gravel base material. The restoration shall be accomplished within 48 hours after completion of excavation and backfill, unless additional time is granted in writing by the UDOT Region Director or his authorized representative.

(ii) New or replaced pavement shall be constructed in conformity with ~~[Section R930-6-16]the~~ "Specifications for Excavation on State Highway Right-of-way" (see Appendix B), and shall be subject to the inspection and approval of the UDOT Region Director or his authorized representative. If weather conditions do not permit immediate placing of permanent pavement, a temporary pavement shall be placed. As soon as weather shall permit, the temporary pavement shall be removed and replaced with a permanent pavement. If the gravel surface, gravel shoulders or gravel surfaced approach roads becomes contaminated and is not consistent with UDOT specifications, ~~[such]gravel~~ surfacing material shall be entirely removed and replaced with new gravel

surfacing material. The repairs to pavement or surface shall include pavements which ~~[have been]~~ are damaged with construction equipment or construction operations. UDOT shall have the option of restoring ~~[said]the~~ roadbed at the expense of the permittee.

(o) Restoration of Traffic Signal Equipment.

Any traffic signal equipment or facilities which are disturbed or relocated as a result of the utility work shall be restored in accordance with plans approved by UDOT. Restoration of traffic signal equipment shall be done at the permittee's expense by a ~~[qualified]UDOT approved~~ electrical contractor experienced in signal installation, retained by the permittee and approved in advance by UDOT. Work shall be scheduled to ensure that disruption of any traffic signal operation is kept to a minimum.

(p) Cleaning Up Highway Right-of-way.

(i) Upon completion of the work, all material shall be removed from within the limits of the highway, including mud tracks on paved roads. The disturbed surface shall be carefully graded to the lines and grades established. Seeding ~~[may]~~ shall be required to restore vegetation damaged or destroyed.

(ii) Any highway features or facilities such as paint stripes, signs, culverts, etc., disturbed or damaged during the progress of the work shall be properly restored to satisfy current standards and rules.

(q) Maintenance.

The utility facility shall at all times be maintained, repaired, renewed and operated by and at the expense of the utility. The utility shall be serviced without access from any interstate highway or ramp. UDOT reserves the right, without relieving the utility of their obligation, to reconstruct or make emergency repairs to the utility as it may consider necessary. UDOT will give a utility company reasonable time to maintain their facility, but if UDOT is required to make the repairs, the utility shall reimburse UDOT its cost.

(r) Future Highway Construction.

As a condition of permitting a new utility facility in a state ~~[highway]right-of-way,~~ UDOT will retain the right to cross such facility at any point within UDOT's right-of-way, necessary for future construction, expansion or improvement of it's highway system provided that UDOT uses due care in protecting the ~~[highway]utility~~ facility.

(s) Liability.

Unless otherwise provided by prior written agreement, the utility or permittee is required to post a performance bond, running for a term of three years after completion of the work, to guarantee satisfactory performance as provided in the agreement, license, or permit. UDOT may proceed against said bond to recover all expenses incurred by UDOT, their employees or representatives in the sections of roadway interfered with by the permittee to restore to UDOT standards. These expenses refer to all expenses incurred in the repairing of portions of the roadway determined by UDOT inspectors to be inadequately restored or maintained by the utility. The liability of the utility or permittee ~~[may]~~ shall not be limited to the amount of the bond. The utility or permittee shall protect and indemnify and save harmless UDOT for any and all claims including claims from third parties for damage and/or injuries caused by construction or use of the utility facility, and from all costs and expenses, including attorney's fees.

(t) Cancellation of License and/or Permit.

If the utility shall fail to construct, repair or remove said utility in accordance with the terms of the agreement to the entire satisfaction of UDOT, or shall fail to pay UDOT any sum of money for the inspection, reconstruction, repair or maintenance of said utility, UDOT retains the right to cancel the permit and remove said utility and restore the highway at the sole expense of the utility. Before UDOT cancels the agreement, it ~~shall~~ may notify the utility in writing, setting forth violations and shall give the utility a reasonable time to fully correct the same.

(u) UDOT Maintenance Operations.

Underground facilities ~~shall~~ must be buried to the proper depth to avoid conflict with UDOT's normal and routine maintenance activities. In entering into a utility line agreement with the UDOT and obtaining an encroachment permit for the work, the utility will be required to avoid ~~such~~ conflicts by placing its facilities to the required horizontal clearance and minimum depth of bury. The utility owner by the terms of the permit will be required to protect, indemnify and hold harmless the UDOT for damages to lines ~~within~~ not in conformance with the horizontal or vertical clearances. Any noncompliance to the above may result in annulment of the utility company's agreement or permit.

R930-6-8. Pipelines.

(1) Location.

(a) To the extent feasible and practicable, ~~the~~ UDOT shall require pipeline crossings ~~generally~~ normal to the highway alignment thereby minimizing interference with traffic during construction and conflict with other highway facilities.

(b) Conditions which are generally unsuitable or undesirable for pipeline crossings shall be avoided. These include locations in deep cuts, across cuts and fills, on steep slopes, locations near footings of bridges and retaining walls and across intersections at grade or ramp terminals. Also, locations shall be avoided at cross drains ~~when~~ where flow of water, drift or stream bedload may be obstructed and in wet or rocky terrain ~~when~~ where it shall be expensive to provide minimum bury.

(c) All locations shall be subject to a plan or field review by the UDOT's Region Director or ~~his~~ an authorized representative to insure that the proposed pipeline installation may not interfere with existing or planned highway facilities or with highway operation and maintenance processes. Installation of privately owned pipelines for the purpose of draining wetlands will not be allowed on highway rights-of-way.

(2) Depth of Bury.

(a) The critical control for bury on a pipeline crossing shall be the low point in the highway cross-section. In establishing the depth of bury below an unpaved ditch, allowances shall be made for potential increase in ditch depth resulting from scour, ditch maintenance operations or from the need to increase the capacity of the ditch. On longitudinal installations, bury shall be controlled by the depths of lateral drainage facilities, buried cable, bridge structures, and likely highway maintenance operations.

(b) In cold climates the depth of frost penetration shall be taken into consideration in determining the depth of bury. The use and occupancy permits ~~or~~ and utility line agreements shall require the utility company to keep accurate records as to location and depth of bury and provide the information to UDOT ~~as stipulated in the utility line agreement~~ as per V.C.2.f. Controls for the bury of pipelines shall be as follows:

(i) Within the highway right-of-way, the grade of the top of a pipe shall be at least ~~+~~ 0.91 m (3 feet) under the pavement surface. In ~~shoulder~~ areas within 6.10m (20 feet) from the edge of pavement ~~when~~ where signs or delineators are located, utilities shall be buried to a depth of not less than ~~+~~ 1.52 m (5 feet). Place utilities at least 600 mm (2 feet) under sidewalks, paved ditches, unlined ditches or gutters. ~~The approved depth of bury shall be noted in the construction permit when it is issued.~~ The UDOT Region/District Director or his authorized representative may require a greater depth of bury when it is decided necessary to avoid known conflicts, the depth of bury and conflict shall be noted in the ~~construction~~ permit ~~when it is issued~~.

(ii) For flexible pipe under pavement, minimum depth of bury shall be 1 m (3 feet) or 1/2 the outside diameter of the pipe whichever is greater.

(c) Depth of bury less than the above may be permitted only when it can be shown by the company that compliance would be unreasonably costly and written approval has been obtained from the UDOT Region/District Director or his authorized representative.

(d) ~~When~~ Where less than minimum depth of bury is essential to avoid the laying of pipelines below the permanent water table, the top of pipe ~~may~~ must not project into the pavement subbase. The depth of the pipe shall be approved by the UDOT Region/District Director or ~~his~~ an authorized representative and shall be protected with a casing or capping acceptable to the Department.

(e) Cover for pipelines carrying materials which are flammable, corrosive, expansive, energized, or unstable (particularly as carried at high or potentially high pressures) may not be reduced below acceptable safety limits.

(3) Encasement.

(a) Utilities and persons shall use casings for all pipes ~~over 250 mm (10 inches) in diameter~~ carrying hazardous transmittants ~~such as those~~ which are flammable, corrosive, expansive, energized or unstable. The wall thickness of the casing shall be reviewed and approved by UDOT's Structures Division based on ~~the~~ depth of bury, diameter of the casing and other local conditions at the site. Lines shall avoid highway structures especially those at depressed grade.

(b) A casing shall be required for jacked or bored installations of coated carrier pipe unless there is reasonable assurance against damage to the protective coating. Rigid encasement or capping shall be required if support of pavement might be impaired by a change in shape of a flexible pipe. Encasement shall be required for any pipeline located within minimum clearances or near bridge footings or other elements of unusual hazard.

~~When~~ Where federal regulations including 49 CFR Part 192 require, UDOT ~~shall~~ will allow the use of heavy wall, extra strength pipe approved by the UDOT Region Director or his authorized representative in lieu of casings as required by ~~(a) and (b) of this Section;~~ the two paragraphs above.

(c) ~~When~~ Where casings are used to cross a non-Interstate highway, the casing pipe shall extend a minimum of 10 m (30 feet) beyond the traveled way ~~or~~ and at least 1.5 m (5 feet) beyond the toe of fill slopes whichever is greater. This shall be the case except when the utility is located longitudinal to the highway and outside the roadway prism and longitudinal to the highway under the surfacing when permitted. Encasements ~~are~~ will not be required in these instances. On curbed sections, the casing shall extend

outside the outer curb. On freeways, expressways and other controlled access highways, casings shall extend to the access control lines.

(d) ~~When~~Where there is a concentration of utility crossings at any one location, utility galleries shall be considered. Utility galleries may consist of concrete box structures or large diameter reinforced concrete or corrugated steel pipe.

(e) Vent stand pipes shall be located and constructed so as not to interfere with maintenance of the highway and shall preferably be located at the fence or right-of-way line. Vents shall be required for galleries enclosing carriers of fuel.

(f) Casings shall be considered for pipeline crossings of a highway as follows:

(i) As an expediency in the insertion of a carrier pipe crossing ~~when~~where casing is necessary in order to avoid open trenched construction.

(ii) As protection to the carrier pipe from external loads or excessive vibrations either during or after construction of the highway.

(iii) It is considered advisable to provide a means for conveying leaking fluids or gases away from the area directly beneath the traveled way to the point of venting at or near the right-of-way line.

(iv) Consideration for encasement or other suitable protection for any pipeline shall be given ~~when~~where there shall be less than minimum bury, the facility shall be located near footings of bridges or other highway structures ~~when~~where the utility shall be located in an area of unstable or subsiding ground or at any other location when there may be hazards.

(4) Installation.

Installation or replacement of pipelines along or crossing existing highways shall be controlled by the Department's specifications as described under Pipelines above. Trenched construction, when allowed, shall be accomplished in accordance with ~~R930-6-16~~UDOT specification for "Excavation on State Highway Rights-of-way[-]" found in Appendix B.

R930-6-9. Power and Communication Lines.

(1) Underground Electric Power and Communication Lines.

In general, controls previously outlined for pipelines as related to depth of ~~bury~~burial, encasement and installation, shall be applied to underground installations of electric power and communication lines see ~~Subsection R930-6-8(2)(b)(i)~~Section V.D.2.a. Other controls shall be as follows: longitudinal installations shall be located on uniform alignment, preferably parallel to the roadway at or adjacent to the highway right-of-way line and beyond the~~recovery and~~ clear zone~~area~~ and, as a minimum, 1.5 m (5 feet) beyond the fill slope, ditch or curb lines. On conventional highways, crossings of underground lines shall be suitably encased in protective conduit extending beyond the recovery and clear zone area, or 10 m (30 feet) beyond the edge of traveled way or 1.5 m (5 feet) beyond the slope, ditch or curb lines, whichever is the greater distance. On urban curbed sections conduit shall extend outside of the outer curbs of the roadway. On freeways, expressways, and other controlled access highways, longer encasement shall be required to extend to the access control lines and ~~when~~where appropriate under frontage roads for a sufficient distance to allow future widening of the highway facilities. Installation parallel to the highway right-of-way shall be

located a minimum distance away from the highway right-of-way line to allow room for installation equipment. However, loops shall be provided which ~~shall~~will allow placement of above ground appurtenances such as splice box closures, underground distribution terminals, etc., as close to the highway right-of-way as is possible, or outside of the right-of-way on private right-of-way as determined by the UDOT Region Director or his authorized representative.

(2) Overhead Power and Communication Lines.

The type of construction, vertical clearance above pavement and location of poles, guys and related ground mounted utility appurtenances along the roadway are considered to be factors of major importance to preserve a safe traffic environment, the appearance of the highway and the efficiency and economy of highway maintenance. Careful consideration, shall, therefore, be given in determining proper location for overhead utility facilities. ~~When~~Where ground-mounted utilities are to occupy the space between the edge of pavement and the right-of-way line, they shall be placed as far as possible from the traveled way and beyond the recovery and clear zone area. In the interest of preserving a safe roadside, highway appearance and efficiency of highway maintenance operations, the following controls shall be used for installation of overhead electric power and communication lines.

(a) Type of Construction.

(i) Longitudinal installations on the highway right-of-way shall be limited to single pole construction.

(ii) Joint use single pole construction shall be encouraged at locations ~~when~~where more than one utility or type of facility is involved. Particular emphasis shall be placed on this requirement at locations ~~when~~where the right-of-way widths approach the minimum needed for safe operations.

(b) Vertical Clearance for Power Lines, Communication Lines and Other Lines.

(i) The vertical clearance for overhead lines above the highway and the vertical and lateral clearance from bridges shall conform with the current edition of the National Electrical Safety Code, except the minimum vertical clearance above highway pavement shall exceed the National Electrical Safety Code minimum by ~~4~~3.91 m (13 feet) at highway intersection and ~~2.5~~2.44 m (8 feet) at all other locations.

(ii) Companies planning on attaching a cable to other utility company poles shall ~~obtain approval from the utility owner by completing~~obtain a variance from UDOT by completing the "Communication Cable Release Form" (No. T-600) in Appendix ~~A of the "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights-of-way";~~C of this manual before a permit shall be issued by UDOT's District Permits Officer.

(iii) For Buried Cable see ~~Subsection R930-6-8(2)(b)(i) of this rule~~Section V.D.2.

(c) Location.

(i) The location of poles, guys and related ground-mounted utility facilities on freeways and other highways having partial control of access shall conform with AASHTO's "A Policy On the Accommodation of Utilities within Freeway Right-of-Way" February, 1989 edition.

(ii) On and along non-Interstate highways, poles and related facilities shall be located at or as near as possible to the right-of-way line. As a minimum the poles shall be located outside the recovery and clear zone area for the highway section involved. Pole locations ~~shall~~should provide for the least conflicts with highway

maintenance. There is no single dimension for the width of a clear zone, but shall be based upon the 1990 Edition of the AASHTO "Policy on Geometric Design of Highways and Streets", ~~1994 edition~~ and the AASHTO "Roadside Design Guide", ~~1996 Edition~~.

(iii) ~~When~~Where there are barrier curbed sections, the utility poles shall be located as far as practicable behind the face of outer barrier curbs with a minimum of 460 mm (18 inches) and preferably behind the sidewalk section.

(iv) Location of overhead utility installations on highways with exceptionally narrow rights-of-way or on urban streets with abutting improvements may be given a special consideration and shall be resolved in a manner consistent with prevailing limitations and conditions. Techniques permitted by governmental or industry codes that are conducive to a safe traffic environment shall be employed.

(v) Guy wires to ground anchors and stub poles may not be placed between a pole and the traveled way ~~when~~where they encroach upon the clear zone area. Exceptions may be allowed by the UDOT Region/District Director or his authorized representative. Guy wires within the right-of-way may require delineation.

(vi) Longitudinal installations of poles, guys or other related facilities may not be located in a highway median. When crossing a highway, facilities may not be located in a highway median less than 30 m (100 feet) in width. Poles and other appurtenances for highway lighting may be located in the median if other alternatives are determined to be impractical and when suitable protection can be provided to the highway user.

R930-6-10. Installation on Highway Structures.

(1) Attaching utility ~~facilities~~lines to a highway structure can materially affect the safe operation of traffic and the efficiency of maintenance.

(2) Utility ~~facilities~~lines ~~may~~will not be permitted to be installed on bridges except in extreme cases ~~when~~where there is a showing that any other utility location is extremely difficult and unreasonably costly to the utility consumer. In order to be considered "~~extreme difficulty~~extremely difficult" or "unreasonable cost", the total cost of alternate routing shall ~~be at least \$40,000 and shall~~exceed the cost of attaching to the structure by four times and comply with Section IV.F.6 of this manual.

(3) In extreme cases covered by the paragraph above, the location and design of utility installation on bridges shall be subject to review and approval or denial by the UDOT ~~Region Director~~Structures Department. ~~Approval of~~ Appeal to the UDOT ~~Executive~~Deputy Director may be requested if the utility disagrees with the decision of the UDOT ~~Region Director before permits shall be issued for the contemplated work. The utility receiving the permit shall bear all costs in connection with installation of the utility facility and, by agreement, shall be required to pay any cost for future relocation made necessary by highway construction regardless of the source of funds for said highway construction.~~Region/District Director or his authorized representative.

(4) This does not apply to utility lines serving facilities required for operating the highway.

(5) Attachment of a pipeline carrying a hazardous transmittant shall be avoided whenever possible. When allowed and the pipeline attachment is cased, the casing shall be opened or vented at each

end to prevent possible buildup of pressure and to detect leakage of gases or fluids. When located near a live stream the casing shall be constructed so that leakage of the transmittant ~~may~~will not enter the stream.

(6) Attachment of a utility~~facility~~ may not be considered unless the structure is of a design that is adequate to support the additional load and can accommodate the utility without compromise of highway features.

(7) Manholes for utility access may not be allowed in a bridge deck.

(8) The entire utility installation on the structure shall be mounted so as not to reduce the vertical clearance otherwise available.

(9) Utility facilities which shall occupy a position beneath the structure floor preferably shall be located between the outer girders or beams or within a cell and at an elevation above the lowest superstructure steel or masonry.

(10) Attachments of utility facilities to the outside of a structure may not be permitted unless there is no reasonable alternative.

(11) Utility facility mountings shall be of a type which may not rattle due to vibrations caused by traffic. Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. The cable shall preferably be carried to a manhole located beyond the back wall of the structure. Carrier pipe and casing pipe shall be suitably insulated from electrical power line attachments.

(12) Acceptable utility attachment methods are hangers and/or roller assemblies suspended either from inserts from the underside of the bridge floor or from the hanger rods clamped to the flange of some superstructure member. Bolting through the bridge floor may not be permitted.

(13) Clearances of the utility facility from structure members shall conform to all governing codes and ~~shall be such as~~ may not render any portion of the structure inaccessible for any maintenance function.

(14) The utility shall be required to make satisfactory provisions for the lineal expansion and contraction of its facility due to temperature variations.

(15) The permit shall make the utility responsible for restoration or repair of any portion of a structure or highway damaged by utility facility use.

(16) ~~When~~Where a casing is not provided for a utility pipeline attachment to a structure additional protective measures shall be taken. ~~Such~~These measures shall employ a higher factor of safety in the design, construction and testing of the pipeline than would normally be required for cased construction.

R930-6-11. Utility Facility Locations Within Scenic Enhancement Areas.

(1) New utility facility~~installations~~ shall be avoided whenever possible within scenic corridor strips, overlooks, rest areas, recreation areas, public parks and historical sites and adjacent rights-of-way.

(2) New underground utility~~facility~~ installations may be permitted within such areas where they do not require extensive removal or alteration of trees visible to the highway user or do not impair the appearance of the area.

(3) New overhead installations of communication and aerial power lines shall be permitted only when other utility locations are not available or are extremely difficult and unreasonably costly, or are less desirable from the standpoint of scenic appearance. Installations may be allowed when the placing of the utility facility underground is not technically or economically feasible or is more detrimental to the scenic appearance of the area.

(4) Overhead ~~[facilities]~~installations may be allowed ~~[when]~~where the proposed installation can be made at a location and in a manner that may not significantly detract from the scenic quality of the area being traversed and the facility can be designed in such a manner which shall give adequate attention to aesthetic values.

(5) Utility ~~[facilities]~~installations that are needed for highway purposes, such as for continuous highway lighting, to serve a weigh station, rest or recreational area, shall be located and designed to conform with the above requirements~~[of this section]~~.

R930-6-12. Miscellaneous.

(1) Preservation, Restoration and Cleanup.

The size of a disturbed area shall be kept to a minimum. Construction methods shall be in accordance with UDOT specifications and in compliance with the conditions of the utility line agreements and permits. Unsatisfactory restoration work shall be promptly repaired by the Company.

(2) Spraying, Cutting and Trimming of Trees.

The Company shall be required to obtain written permission from the Department before disturbing trees which are located within the highway right-of-way. UDOT shall give written permission for only light trimming. When the removal of a tree is permitted, the stump shall be removed and the hole properly backfilled. The UDOT Region Director or his authorized representative may require replacement with several trees of the same species to assure equal restoration and mitigation in compliance with federal requirements.

(3) Servicing, Maintenance and Repairs.

All utility facilities shall be kept in a good state of repair both structurally and from a standpoint of appearance.

R930-6-13. Signs, Signals, Lighting, Crosswalks, Curb, Gutter and Sidewalks.

(1) This section describes UDOT policies regarding traffic signs and street name signs, traffic signals, highway lighting, crosswalks, curb, gutter and sidewalks located within the rights-of-way of any State highway. Requests for the installation of and permission to install any of these facilities shall be made ~~[to]~~by permit from the appropriate UDOT Region/District Director or his authorized representative.

(a) Community Name Signs.

UDOT shall install all community name signs. Signs for communities shown on the official highway map shall be installed by UDOT with the official community name in conformance with the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" (MUTCD) and Safety Standards. Signs shall be installed on or as close as possible to corporate boundaries. If the community desires to provide a more elaborate notice or identification of the community and/or other information, it shall be done outside the existing right-of-way and in accordance with the rules for outdoor advertising.

(b) Street Name Signs.

The installation and maintenance of street name signs are not functions of UDOT. Local authorities may install street name signs within the rights-of-way of State highways. All signs placed within the right-of-way shall conform to "MUTCD" standards.

(c) Traffic Signs, Signals, Lighting and Crosswalks.

The installation and maintenance of these items conform to "MUTCD" and UDOT standards.

(d) Modification of Existing Traffic Control Devices.

When it is necessary to relocate traffic control signs, traffic signal poles, circuitry and appurtenant equipment or other traffic control devices as part of the permitted work, the utility shall accomplish ~~[the]~~said relocation at its expense according to a design approved by UDOT. ~~[Such]~~These modifications~~[may]~~ require the applicant to provide a traffic study to evaluate the impact.

(e) Damage to Existing Traffic Control Equipment.

Any damage to existing traffic control equipment shall be repaired or restored at permittee's expense in accordance with plans approved by UDOT.

(f) Sidewalks.

Except as outlined in Policy 08A-2, "Pedestrian Safety Facilities on Construction Projects", ~~[F]~~the installation of sidewalks is not normally the responsibility of UDOT. However, when a road is reconstructed and existing sidewalks are removed or destroyed, or when ~~[otherwise]~~ obligated to do so, UDOT shall construct or reconstruct said sidewalks to current standards.

(g) Curb and Gutter.

In the interest of vehicle and pedestrian safety, efficient movement and regulation of traffic, and the more effective and economical maintenance of highway surface and drainage, UDOT may in accordance with UDOT policy, install new curb and gutter when one or more of the conditions listed below exist.

(i) Traffic volumes require the utilization of the entire right-of-way.

(ii) Intersection channelization is needed.

(iii) Additional right-of-way is necessary to provide:

(A) standard or bituminous ditch treatment to prevent scour;

(B) the proper and safe roadway width and slopes; and

(C) the cost of curb and gutter, plus any additional cost made necessary by curb and gutter and installation are less than right-of-way costs.

(D) Ponding occurs in an unpaved ditch because of extremely flat grades (normally less than 0.3%), and drainage does not function properly except in paved concrete gutter.

(E) Traffic needs to flow through a narrower than normal structure.

(F) Restriction of access and parking is necessary to protect pedestrian traffic and to obtain full utilization of the street for required capacity.

(G) In order to control highway runoff after curb and gutter is installed, UDOT should pave full width between the curbs to be in compliance with Policy 06A-43 "Widening Pavements to Curb and Gutter".

R930-6-14. Driveways.

(1) General Provisions.

(a) Control of driveway connections is necessary to provide efficient and safe operation of highways and to utilize full potential of the highway investment. Abutting landowners have rights-of-

access consistent with their needs and the safe and efficient operation of the highway. Road users are to be provided reasonably safe highways for travel and efficient expenditure of public highway funds. UDOT is responsible to regulate and control the location, design, construction and operation of access driveways, to reconcile and, to the extent feasible, to satisfy the needs and rights of both the road user and abutting landowners ~~[shall utilize the whole of the right-of-way to the best advantage for highway purposes by controlling the number, location, width and design of driveways from adjacent private property. Driveway design shall assure reasonably good service to driveway users and at the same time minimize interference to highway traffic.]~~

(b) Since UDOT shall utilize the whole of the right of way to the best advantage for highway purposes, by controlling the number, location, width and design of driveways from the adjacent private property.

(c) Driveway design and location should assure reasonably good service to driveway users and at the same time minimize interference to highway traffic.

~~(b)(d)~~ When there are several adjacent roadway establishments or when the probability of ~~[such]~~ commercial development exists, consideration of a frontage road shall be given to reduce the number of connections to the highways. If impossible, the minimum number of driveways shall be allowed so that all the establishments can be served. Several businesses may share one driveway. Encroachment on the adjacent property frontage may be permitted only when an agreement is entered into by the adjoining property owners for joint usage of the driveway.

(e) National and local research concludes that poorly placed and/or poorly designed driveways and other access points can contribute to degrading the operational capacity and the safety of highway facilities. In addition to providing reasonable access to all properties, it is the goal of the State Highway system to maximize the safety and the efficiency of highways to the traveling public. To this end, six specific types of access management techniques shall be employed in the review of driveway permits. Appropriate standards for each of these access management techniques, based on sound traffic engineering principles, shall be reviewed and enforced by each Region Traffic Engineer prior to granting appropriate permits. The six applicable access management techniques include the following:

- (i) Unsignalized Access Spacing;
- (ii) Corner Clearance;
- (iii) Signalized Access Spacing;
- (iv) Medial Placement and Design;
- (v) Access Separation from Interchanges; and
- (vi) Speed Change Lanes.

New or modified access permits may be denied based on traffic engineering standards associated with each of the six primary access management techniques, if, in the judgment of the Region Traffic Engineer, new or modified access points will negatively affect the safety or the efficiency of the highway users.

(2) Provisions Governing the Location, Design and Construction of Driveways.

~~(a) [The following provisions apply to all new driveways when]~~General

The following directives shall apply in relation to the construction of driveways within the rights of way of any highway controlled by these regulations:

(i) Dimension controls are an integral part of these regulations. A single set of values would not be suitable for all situations. Accordingly, a range of values is given for each control dimension within which actual dimensions shall conform. Where ~~[driveway]total site traffic volumes[entering onto state highways do not] exceed 500 ADT or projected highway traffic volumes[do not exceed 5,000 ADT.]exceed 5,000 ADT, a more detailed evaluation shall be required based upon Figures for "Access Management of Streets and Highways" in (Appendix "A").~~

~~[The following provisions, with the exception of provisions of subparagraph f of this subsection, shall apply when driveway traffic volumes entering onto state highways exceed 500 ADT or highway traffic volumes exceed 5,000 ADT. UDOT traffic safety engineers shall conduct an evaluation of traffic flows and safety conditions to determine the number of driveways and spacing between driveways which shall be permitted. Engineering evaluations shall be consistent with the objectives of the "Manual on Uniform Traffic Control Devices". Recommendations of the traffic safety engineer shall be used in locating and designing these driveways.~~

~~—(b) Permits:]~~(ii) Driveways or access points by a railroad at-grade crossing must be 76.20m (250 feet) from the railroad crossing pursuant to rule R930-5.

(b) Permits.

(i) Anyone[utility or person] intending to construct a driveway from [the paved surface to]the main traveled way of the right-of-way line shall make written application to and secure a permit from the appropriate UDOT [Regional]District office before commencing construction. Permit applicants [shall]must also comply with all environmental laws before the UDOT Region/District Director or his authorized representative can issue a permit to proceed with any work.

(ii) The type of driveway with approved dimensions shall be clearly stated in the permit.

Two copies of the permit shall be issued. One copy is for the applicant, and the other ~~[to]~~shall be prominently displayed~~[by the applicant]~~ at the construction site during the period of construction. Failure to properly display the permit in compliance with this regulation may result in the cancellation of the permit.

(c) Buffer Area.

If the buffer area between the traveled way and the right-of-way line requires regrading by cutting or filling work shall be done in a manner to insure adequate sight distance for traffic operation, proper drainage, suitable slopes for maintenance operations and good appearance. Trees, shrubs, ground cover or other landscape features may need to be removed, replaced or suitably adjusted. The buffer area ~~[shall]must~~ be free of any encroachment that would hinder traffic. The buffer area between driveways shall be grated or landscaped to prevent use by vehicles. This may be accomplished by appropriate physical barriers such as curbing, fencing, etc. in a manner that does not impair clear sight across the area.

(d) Parking.

(i) Each roadside business establishment shall provide sufficient private parking or storage space to handle the needs of that business. Parking or storage of vehicles on the highway right-of-way is not allowed unless approved by the Region/District Director. Traffic circulation on these areas [shall]must be arranged to restrict backing onto the highway. When the parking or storage area is deemed to either be inadequate or buildings or other installations do not conform to the required setback dimensions as

outlined in these rules, the driveway or driveways shall be located and constructed so as to prevent the illegal storage or backing of vehicles onto the highway right-of-way (Section ~~27-12-138~~ 72-7-105 - "Obstructing Traffic on Sidewalks or Highways Prohibited" and Section 41-6-106 - "Backing When Permissible").

(ii) ~~When~~ Where business establishments are located on the corner of an intersection, parking shall be prohibited for 10 m (30 feet) from the corner in each direction.

(e) Sight Distance.

(i) Driveways shall be located to optimize sight distance along the highway. Any encroachment on sight distance shall be allowed only when approved by the UDOT Region/District Director or his authorized representative prior to construction. Sight distances shall be in accordance with ~~AASHTO's~~ current AASHTO guidelines for Decision Sight Distance.

The Intersection Sight Distance for Passenger Cars is based on information taken from the 1994 edition of the AASHTO Policy on Geometric Design of Highways and Streets, [Chapter 9, At-Grade Intersections, Case III], 1994 edition - Stop Control on Minor Roads.

(ii) Driveways with less than the required minimum sight distance may require changes to existing highway conditions such as right and/or left turning lanes, use of frontage roads, or other changes as required by the UDOT Region/District Director or his authorized representative.

(iii) Additional sight distance may be required for multi-lane highways. In these instances, a UDOT traffic engineer shall make a traffic safety evaluation. Findings from the evaluation shall be used in designing the driveway for safe ingress and egress.

(iv) Parking lane space shall be restricted to provide adequate radii and sight distance for turning into and out of a driveway with vehicles that are expected to use the driveway.

(f) Setback.

Improvements on private property adjacent to the right-of-way shall be so located that parking, stopping and maneuvering of vehicles on the right-of-way may not be necessary. Setback is normally controlled by the local government agency through its planning and zoning ordinances. However, a careful evaluation shall be conducted so that commercial operations do not service vehicles on highway right-of-way and so that parking operation does not require backing onto the highway.

(g) Location and Type ~~to be Constructed~~.

(i) The effect of driveway location on traffic capacity and operation as well as safety should be considered. Factors to be considered may include acceleration, deceleration, weaving, blocking of driveway due to queuing at intersections, sight distance, impact on traffic signal operations, signal coordination and railroad crossings.

~~Driveway designs permitted are defined in UDOT Standard Plans #715-1a~~ (ii) Driveways generally fall into two categories. See UDOT Standard Plan Drawing No. 715-1.

(i) ~~A~~ Open driveway with radius curve on returns ~~(UDOT Standard Plans #715-1A)~~.

(ii) ~~B~~ For ~~F~~ flared driveways on each side of drive.

The type of driveway with approved dimensions shall be clearly stated in the permit. Any change of the driveway type (residential, industrial, commercial, farm etc., and appropriate dimensions) shall not occur until a permit is issued by the appropriate UDOT Region office.

(h) Driveways Allowed, Minimum Distances.

The number of driveways allowed and the minimum distance between driveways shall be determined ~~by~~ to be either of the following options as determined by the Region Traffic Engineer:

(i) Speed / Spacing Option:

TABLE 1

Posted Speed Limit Km/hr (MPH)	Driveway Spacing_m (Feet)
40 Km/hr (25 mph)	32 m (105 feet)
50 Km/hr (30 mph)	38 m (125 feet)
60 Km/hr (35 mph)	46 m (150 feet)
70 Km/hr (45 mph)	70 m (230 feet)
80 Km/hr (50 mph)	84 m (275 feet)

(ii) Frontage / Spacing Option:

(A) Frontages of less than 30 m (100 feet) shall be limited to ~~[one]~~ (1) two directional driveway or ~~[two]~~ (2) one directional driveways with ~~the following~~ minimum spacing as shown:

TABLE 2

	Urban	Rural
Farm and Residential:	3.6 meters (12 feet) minimum	6 meters (20 feet) minimum
Industrial and Commercial:	9 meters (30 feet) minimum	9 meters (30 feet) minimum

(B) Frontages of 30 m (100 feet) to 150 m (500 feet) shall be allowed ~~not~~ more than ~~two~~ (2) driveways ~~with the following~~ and the minimum distance between double driveways shall be as follows:

TABLE 3

	Urban	Rural
Farm and Residential:	15 meters (50 feet) minimum	30 meters (100 feet) minimum
Industrial and Commercial:	[45] 9 meters (50 feet) minimum	15 meters (50 feet) minimum
	15 meters (50 feet) desirable	

(C) Frontages ~~[m]~~ with excess of 150 m (500 feet) shall be allowed ~~not~~ more than ~~three~~ (3) driveways ~~with~~ and the minimum distance between ~~double driveways of no~~ them shall not be less than 30 m (100 feet).

(D) Contiguous property which has more than one (1) frontage abutting State Highways shall have a maximum of two (2) driveways per frontage.

(i) Driveway Geometrics.

Driveway widths Many factors must be considered in the location and placement of driveways. Factors to be considered include: the driveway width shall be adequate to properly handle the anticipated type and volume of traffic, and shall be within the limits specified for ~~population and local zoning of the~~ the particular conditions and type of roadside establishment. Requests for deviations shall be made to the ~~Regional Office~~ Region/District Director or his authorized representative and approval of deviations

may not compromise traffic flow or safety. The width and radii [for driveways is as follows] treatment is specified below:

(i) Width of Driveway (Urban and Rural).

(i) TABLE 4

Farm: 4.8 m (16 ft) minimum to 9.6 m (32 ft) maximum
Residential: 3.6 m (12 ft) minimum to 6 m (20 ft) maximum

Industrial and Commercial:
One-directional: 4.6 m (15 ft) minimum to 9 m (30 ft) maximum
Two-directional: 7.6 m (25 ft) minimum to 15 m (50 ft) maximum

Exceptions to driveway widths based on safety must be approved by the UDOT Region Director.

*To be supported by traffic study.

(ii) Edge Clearance.

Edge clearance is the distance from the edge of the driveway to the adjacent property. All portions of the driveway shall be within the frontage boundary line [as follows] and its location will be determined based on either a traffic study or the following minimum standards, at the discretion of the region traffic engineer:

TABLE 5

	Urban		Rural
Farm and Residential:	4.6 m (15 ft) <u>desirable</u> minimum		6.0 m (20 ft) <u>desirable</u> minimum
Industrial and Commercial:	3.0 m (10 ft) minimum		4.6 m (15 ft) <u>desirable</u> minimum

Exceptions to edge clearance width based on safety must be approved by the UDOT Region/District Director or his authorized representative.

(iii) Radius of Curvature [~~for open driveway with radius curve on returns~~]; (if open concrete drive is used).

At [~~the~~] junction of driveway and pavement, radius of curvature may not encroach onto in the edge clearance or corner clearance in Figure 3 in Appendix A. Requests for deviations shall be made to the [~~Regional Office~~] Region/District Director or his authorized representative and approval of deviations [~~shall~~] may not compromise traffic flow or safety.

TABLE 6

	Urban		Rural
Farm and Residential:	3.0 m (10 ft) min. to 4.6 m (15 ft) max.		6.0 m (20 ft) min. to 9.0 m (30 ft) max.
Industrial and Commercial:	3.0 m (10 ft) min. to 18 m (60 ft) max. <u>9.0 m (30 ft) desirable</u>		7.6 m (25 ft) min. to 19.8 m (65 ft) max.

(iv) Driveway Profile.

(A) Driveway gradients shall be within the following minimum and maximum ranges, with the minimum percent grade being desirable:

TABLE 7

Recommended Grade Changes (D)

	(D)	(D)	(D)
	ADT	Minimum	Maximum
Low Volume Driveway	(0-500)	6 percent (plus or minus)	Controlled by Vehicle Clearance
Medium Volume Driveway	(500-1500)	3 percent (plus or minus)	6 percent (plus or minus)
High Volume Driveway	(greater than 1500)	0 percent	3 percent (plus or minus)

VERTICAL GEOMETRICS FOR DRIVEWAY
(Refer to Figure C)

(B) [~~When curbs are used along the driveway and sidewalks are provided or contemplated, the gradient of the driveway shall fit the gradient of the sidewalk.~~] Without highway edge curb, negative slope.

~~(v) Vertical Geometric for Driveway: (I) From edge of traveled way to outer edge of shoulder, gradient same as shoulder slope.~~

~~(A) If a (II) From outer edge of shoulder continue gradient same as shoulder slope. If downward gradient is necessary, [gradient shall not exceed 6 percent and slope shall allow] it should be not more than 6 percent.~~

~~(III) At all slope changes make sure that a standard automobile [to] can pass without dragging.~~

(C) Without highway edge curb, positive slope.

(I) From the edge of traveled way to outer edge of shoulder, gradient same as shoulder slope.

(II) From the outer edge of shoulder continue same gradient as shoulder. If ~~(B) If an~~ upward gradient is necessary, [gradient shall not exceed 6 percent and] not more than 6 percent.

(III) At all slope changes [shall not interfere with] check for vehicle clearance at front and rear overhang.

(D) With highway edge curbs [~~and gutter~~].

(I) Gutter line to sidewalk (if any), [~~a~~] maximum slope difference of 6 percent [shall be allowed between curbs and sidewalks.] between downward cross slope of traveled way and upward slope of driveway. Lower the profile of the sidewalk if necessary.

(II) Beyond outer edge of sidewalk maintain a gradient of 6 percent.

(v[i]) Vertical Curves.

(A) Vertical curves shall be as flat as feasible and at least 6 m (20 feet) long. To prevent vehicle center or overhang drag, vertical curves shall avoid a hump or dip greater than 150 mm (6 inches) within a wheelbase of 3 m (10 feet). To prevent center or overhang drag with some allowance for load and bounce, crest vertical curves should not exceed a 75 mm (3-inch) hump in a 3 m (10-foot) chord and sag vertical curves may not exceed a 50 mm (2-inch) depression in a 3 m (10-foot) chord.

—(B) At the beginning (sag) of a vertical curve the dip may not exceed a 50 mm (2 inch) depression in a 3 m (10 foot) chord.

—(C) At the end (crest) of a vertical curve the hump shall not exceed a 75 mm (3 inch) in a 3 m (10 foot) chord.

—(D) Rolled gutters crossed by traffic may not be deeper than 50 mm (2 inches).

(E) Deviations from these specifications may only be permitted after written approval is obtained from the UDOT Region/District Director or his authorized representative.

(C) Single driveways shall intersect the roadway at right angles. ~~When~~Where two driveways are used on one frontage and are to be used for access to and from both directions of travel on the highway, each driveway may be placed at an angle other than a right angle with the roadway edge, but the driveway angle may not be less than the specified minimum. See drawing for angled two-way driveways with limited turns in section on Access Management of Street and Highway in "Appendix A".

~~(j) Other Criteria:~~

—(i) ~~Driveway Angles:~~(D) On uncurbed sections of highway the gradient of the driveway shall conform to the slope of the shoulder from the edge of the traveled way to the outer edge of the gutter or low point over a culvert (swale where a culvert is not used). Thereafter, it shall continue downward or upward to match the abutting property. In some cases, it may be necessary to build an uncurbed gutter of a special design to prevent drainage onto adjacent private land.

~~(A) Farm and Residential, and Industrial and Commercial (two-directional use): 90 degrees required. Up to 80 degrees may be allowed with approval of the Regional Office.~~(E) Where curbs are used along the roadway and sidewalks are provided or contemplated, the gradient of the driveway usually should fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practical, then the sidewalk shall be lowered to provide a suitable gradient for the driveway. In such case, the surface of the sidewalk shall be sloped gently from either side of the driveway. Vertical curves onto driveways shall be flat enough to prevent dragging of central or overhung portions of passenger vehicles.

~~(B) For one-directional use (right turns only):~~(j) Other Criteria.

(i) Driveway Angle.

TABLE 8

— Entrance:	90 degrees maximum, 60 degrees minimum
Exit:	90 degrees maximum, 60 degrees minimum
] Farm and Residential	90 degrees required except in special cases where minimum is 80 degrees
Industrial and Commercial:	
For two-directional use:	90 degrees required except in special cases where minimum is 80 degrees
For one-directional use: (right turns only)	
Entrance:	90 degrees maximum, 60 degrees minimum
Exit:	90 degrees maximum, 60 degrees minimum

(E) Requests for deviations shall be made to the [Regional Office]Region/District Director or his authorized representative and approval of deviations may not compromise traffic flow or safety.

(B) Corner Clearances at Intersection[-]:

~~(A) Farm and Residential, and Industrial Commercial:~~
Urban - 18 m (60 ft) minimum[-];

Rural - 30 m (100 ft) minimum[-];

~~(B) Corner clearances at~~At signalized intersections ~~shall have a minimum clearance of~~increase to 30 m (100 feet).

See Figure 3 in Appendix "A".

Requests for deviations shall be made to the Region/District Director or his authorized representative and approval of deviations may not compromise traffic flow or safety.

(iii) Surfacing.

Driveways shall be appropriately surfaced between the traveled way and the service area. On paved highways, the driveway shall be hard surfaced to the right-of-way line or 15 m (50 feet) with concrete or bituminous surfacing of suitable quality unless otherwise authorized by the UDOT Region/District Director or his authorized representative.

(iv) Drainage.

All driveways and buffer areas shall be constructed to maintain a positive drainage system within the highway right-of-way and may not alter the stability of the roadway subgrade. Surface run-off originating on property under development shall be disposed of in accordance with the master drainage plan of the cities and counties. If the city or county does not have a master plan, anything in excess will be retained on site. The State is not liable for the quality of drainage waters originating at service stations or special industrial processing plants which are directed into irrigation canals through highway drainage system. Such drainage concerns ~~shall~~should be the subject of separate agreements and permits by the developers and irrigation companies. All culverts, catch basins, drainage channels and other drainage structures required within the buffer area and under the driveways [within the right-of-way] as the result of the property being developed, shall be installed in accordance with UDOT Standard Plans and ~~other~~the state and/or local health ordinance specifications when applicable.

(v) Lighting.

Directing light beams toward the eyes of approaching drivers on the highway is prohibited. All lighting equipment for the roadside development shall be located off the highway right-of-way.

(k) Control Signing.

(i) The relocation or installation of highway signs, signals, lighting devices or other traffic control devices necessitated by a proposed driveway shall be by UDOT or its agent at the permittee's expense.

—(ii) ~~Stop signs shall be required for all driveways when driveway ADT exceeds 500 and/ driveway connects with a parking area having 100 or more parking spaces.~~

—(iii) The UDOT Region Director may require stop signs at locations when restricted sight distance exists, highway or driveway approach speeds are high, or when other hazardous conditions exist.

—(iv) A yield sign may be installed in lieu of a stop sign at driveway locations when the safe approach speed on the driveway exceeds 15 K/h (10 MPH); a stop is not necessary at all times, or there is a separate or channelized free flow right-turn lane, without an adequate acceleration lane.

([v]ii) The owner shall pay the cost of the original sign and installation by UDOT, after which UDOT shall be responsible for normal maintenance.

(l) Drive-in Business.

A permit for access to a drive-in business may not be granted unless adequate on-premise parking and storage space is provided. Parking or storing of vehicles on the State right-of-way may not be permitted. Access to the business ~~[shall]~~should be from a local street system whe[n]ever possible. When the business is adjacent to a state highway, the local agency shall require the business owner to coordinate with UDOT prior to issuing a building permit.

(m) Disabled Pedestrians.

Work ~~[on pedestrian lanes to accommodate individuals with disabilities] to be done~~ shall comply with applicable federal law and UDOT Standard ~~[Plans - (j)]~~Drawing No. 715-2A[~~] "Disabled Pedestrian Access"~~.

(n) Inspection

See Section V.C.5. for inspection.

([n]o) Standards.

All features such as curbs, gutters, driveways, sidewalks, drainage structures and grates, etc., which are constructed on highway right-of-way as allowed by these rules, shall conform to current UDOT Standard Plans.

R930-6-15. Right-of-Way Encroachments.

(1) Highway Encroachments.

(a) No building or structure of any type shall be placed upon State ~~[h] Highway~~ rights-of-way unless authorized by a permit obtained from UDOT.

(b) No part of the right-of-way shall be used for servicing vehicles or equipment, displays, sales, exhibits, business overhang signs, parking areas, banners, or any other form of advertising, or the conduct of private business. Requests for deviations, however, may be made to the ~~[Regional Office]~~Region/District Director or his authorized representative and approval of deviations may not compromise traffic flow or safety and shall be in the public interest.

(2) Limited Time, Special Highway Encroachments.

Permanent private advertising or business endeavors on federally funded or other state highway rights-of-way is prohibited. The use of the right-of-way on a limited time basis for special advertising purposes may be allowed. A[~~ny~~] permitted encroachment is to occupy the right-of-way for a[~~only brief periods~~ ~~of~~] time not to exceed one week. These authorized encroachments may not compromise traffic flow or safety and shall be in the public interest.

(3) Permits.

For special encroachments, such as parades, Christmas decorations, handbills, banners advertising special events, etc., any individual, political entity, partnership or corporation may apply for a special permit. Requests for encroachments may be made to the ~~[Regional Office]~~Region/District Director or his authorized representative and approval may not compromise traffic flow or safety and shall be in the public interest.

(4) Special Limitations.

All permits issued for special encroachments shall be subject to the following conditions:

(a) Red or Reddish Colored Lights.

Red or reddish colored decorations or advertising lights may not be permitted within the ~~[highway]~~ right-of-way.

(b) Clearance Over Highway Surface.

Any decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item placed within the right-of-way shall have a minimum clearance of 6 m (20 feet).

(c) Utility Poles.

No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item shall be attached to a utility facility without written permission of the appropriate utility company.

(d) Signs and Other Devices.

(i) No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item shall block the normal view of any official highway sign or other traffic control device and signals.

(ii) Advertising signs placed on owners real property within 90 m (300 feet) of highway rights-of-way may require a permit from the UDOT Region Director or ~~[his]~~an authorized representative in accordance with Section ~~[27-12-136]~~72-7-503 - "Advertising - Permit Required -Penalty for Violation".

(iii) No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item ~~[placed within the right-of-way]~~ shall be of ~~[the same or similar]~~such shape, size, color or design ~~[of]~~to any UDOT traffic control sign, signal, marking or device.

(iv) No attachments of any type ~~[shall]~~will be allowed on traffic signals.

(e) Sight Obstructions.

(i) No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item shall obstruct the normal view of traffic.

(ii) In accordance with Utah Code Section 41-6-19 "Removal of Plants or Other Obstructions Impairing View, Notice to Owner-Penalty", owners of real property next to highway rights of way can be ordered to remove any trees, plants, shrubs or any other obstructions that obstruct the view of motorists and thereby constitute a hazard.

(f) Obstructing Traffic.

No decoration, display structure or other advertising or decoration item shall be placed within the right-of-way that may obstruct, impede or endanger the normal flow of traffic.

(g) Insurance.

Permittee[s] shall be required to have in force a liability insurance policy, naming UDOT as an additional insured, the amount of which shall be determined by the UDOT Region/District Director or his authorized representative.

(h) Construction Zone.

To assure the safe placement of the encroachment, the permittee shall provide to and have approved by UDOT a traffic control plan for the construction site.

(5) Mailboxes.

(a) New Mailboxes.

(i) Application to install a new mailbox within the right-of-way of State Highways shall be made to the UDOT Region Director or his authorized representative.

(ii) All new mailboxes placed within the right-of-way of State Highways shall be constructed in conformance with UDOT's Standard Plan ~~[c] Drawings[~~#~~] 725-1 and 725-1A[~~]]~~.~~

(b) Existing Mailboxes.

(i) Owners of existing mailboxes which constitute a traffic hazard shall be notified in writing by the UDOT Region Director or his authorized representative. The owner shall correct any deficiencies to be in conformance ~~[these rules]~~ with current safety standards and regulations of the Department of Transportation at his own expense within thirty (30) days of the receipt of the notice. A copy of the notice shall also be sent to the local postmaster.

(ii) If the owner fails to comply with the notice, a Region/~~Office~~/District representative shall ~~[remove the mailbox.]~~ contact the postmaster to stop the delivery of mail until the owner complies with UDOT's policy.

(iii) Mailboxes and supports which are in poor repair and detract from the appearance of the highway ~~[. If, or if any part of the mailbox is within the shoulder of the road or is over 1270 mm (50 inches) high, it shall be considered as nonconforming and shall be reconstructed or replaced at the owner's expense.~~

(iv) Mailbox supports which do not comply with the following shall be considered nonconforming and shall be reconstructed or replaced at the owner's expense.

(A) Mailbox supports of wood with over 10,322 mm² (16 square inches) cross-sectional area.

(B) Mailbox supports of metal shapes if the supports are over 90 mm (3.5 inches) in greatest dimension, or on a pipe of over 50 mm (2 inches) in diameter. (If such metal supports are deemed to be a hazard by the UDOT Region Director or his authorized representative, they shall be considered as nonconforming.)

~~—(C) Present hazards of any nature:]~~

R930-6-16. Specifications for Excavation on State Highway Right-of-Way.

(1) Purpose and Scope. These specifications are to provide uniform guidance for excavation within highway rights-of-way for gas, oil, telephone, power, sewer, water, signal or television and similar facilities. These specifications are implemented to cover special requirements of work contemplated in general maintenance, improvements and additions to utility systems.

(2) Except for emergencies no excavation shall be made ~~[by a utility without a utility line agreement and a permit issued by UDOT, or for other persons a permit issued by UDOT.~~

~~—(3) An emergency excavation may be made by a utility company, its bonded contractor, or public agencies without prior approval if the excavation is to prevent loss of life or damage to property, and if UDOT officials cannot be reached. In such emergency situations the excavating party shall contact UDOT on the first working day following the excavation and file for a formal permit.]~~ without agreement or authorization from the Utah Department of Transportation.

(3) An emergency excavation may be made by a bonded contractor, public agencies or utility companies without prior approval if the excavation is to prevent loss of life or damage to property, and the company cannot contact the Utah Department of Transportation officials. In such emergency situations the excavating party shall contact the Utah Department of Transportation on the first working day following the excavation and complete a formal permit. Except for the prior-permit requirement none of the provisions of these specifications are waived for emergency situations.

(4) Transfer of Work.

Authorized excavation work covered ~~[may]~~ hereunder shall not be subcontracted or otherwise transferred to others without prior written approval of the UDOT Region Director.

(5) Protection of Public During Construction.

(a) The contractor shall comply with all federal, state and local laws, and ordinances, including the "Manual on Uniform Traffic Control Devices" (MUTCD).

(b) The utility company or its contractor shall include a traffic control plan in its application for a permit. This plan shall define the limitations on contractor vehicle parking and materials storage within the clear zone unless protected by curb and gutter or other approved barrier. Access control during construction shall be described as well as protection of the public from any open excavation or other hazards. The traffic control plan shall be in conformance with the "Manual on Uniform Traffic Control Devices" (MUTCD).

(c) Construction operations shall be conducted so that a minimum amount of interference or interruption of highway traffic results. Inconvenience to residents and businesses shall be minimized. Safe and proper connections with all intersecting public or private roads or driveways shall be maintained at all times. These roads shall be kept in usable condition, except when approval is obtained for minimum closure from the governing official having jurisdiction over the street, or the property owner of private driveway.

(d) The contractor shall provide, erect and maintain all necessary barricades, warning lights, signals and signs, and provide watch persons and flaggers and take all reasonable and necessary precautions for the protection of the work and the safety of the public. Highways closed to traffic shall be protected by effective barricades. Suitable warning signs, illuminated at night, or other approved means shall be provided to mark the places ~~[when]~~ where surfacing ends or is not compacted, or ~~[when]~~ where there are other obstructions. All lights for this purpose shall be kept illuminated from sunset to sunrise. The contractor shall erect warning signs in advance of and at any place on the project ~~[when]~~ where operations interfere with the use of the road by the public. Such warning signs shall be constructed and erected in accordance with the plans. Signs not required during non-work periods shall be removed or covered.

(e) Except in cases of emergency, full road closures may not be permitted unless authorized in advance by the UDOT Region/District Director ~~[in advance]~~ or his authorized representative. Emergency services (e.g., police, fire and ambulance) shall be advised of the closure and proposed detour routes. No work, except emergency work, shall be done at night without prior approval of the UDOT Region/District Director or his authorized representative. Flaggers shall wear colored vests and hard hats and shall be provided with hand signs clearly recognizable by motorists. All flagging and traffic protection for the work shall conform to the requirements of the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" (MUTCD).

(6) Methods of Crossing.

Jacking or boring is preferred to open trench excavation, and shall be required in all cases of utility facilities crossing under and not parallel to paved surfaces, unless this is not feasible due to soil conditions, other utilities, substructures, or other conditions. Jetting by means of water or compressed air may not be permitted.

(7) Removal of Pavement, Sidewalks, Curbs, Etc.

The pavement, sidewalk, curb and gutter, driveway, etc. shall be cut vertically along the lines forming the trench so that the adjoining pavement is not damaged. The portion to be removed shall be broken up in a manner that does not cause damage to the pavement outside the limits of the trench. Any pavement damaged by operations outside the limits of the trench shall be replaced. Large broken paving materials shall be removed immediately from the site of the work.

(8) Repairs.

Only qualified and skilled workers shall make repairs to utility facilities.

(9) Flowable Fill.

(a) Unless otherwise agreed to by prior written agreement in all urban areas and on rural highways with high volume traffic as determined by UDOT, flowable fill shall be used for backfill under paved areas and shall be in conformance with the requirements of Section 605 for "Flowable Fill" of the State of Utah "Standard Specifications for Road and Bridge Construction," 1994 edition.

(b) Flowable Fill shall be discharged from ~~an~~ ready mix truck by safe and reasonable means into the trench to be filled. The fill shall be brought up to the bottom of the surface course and shall be finished to provide a uniform surface.

(c) When Flowable Fill is used for backfill the excavated materials shall be disposed of by the utility in an area outside of the highway right-of-way satisfactory to UDOT's Region ~~and~~ permits officer or inspector and shall comply with environmental requirements. In rural areas or location when its use ~~shall~~ would be impractical Flowable Fill may not be required. In such cases backfill shall be in conformance with the requirements of Section 220 for "Borrow, Granular Borrow and Granular Backfill Borrow" of the State of Utah "Standard Specifications for Road and Bridge Construction," 1994 edition.

(10) Compaction of Backfill.

Materials for backfill under paved or adjacent areas used by traffic shall be sand. All large broken concrete, peat, topsoil, loam, decomposed vegetable matter and similar materials obtained from excavation shall be removed from the site prior to beginning of backfilling. All backfill shall be placed in layers not over 150 mm (6-inch) loose measure in thickness. Compaction shall be obtained by mechanical rollers, tampers, or other approved means. Material for backfilling shall be properly moistened or watered to the correct moisture content to ensure proper compaction. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular, free draining materials shall be permitted. No frozen material shall be used for backfill under paved surfaces. The UDOT Region/District Director or his authorized representative may require that the "dry" density of the backfill under pavements, sidewalks, curbs or other structures shall be not less than 96 percent of the laboratory standard maximum soil "dry" density as determined by compaction tests made in conformity with AASHTO, "Standard Specifications for Highway Materials and Methods of Sampling and Testing Part II," 1993 edition (AASHTO Designation T-99). The UDOT Region Director or his authorized representative may require the density of the backfill on road shoulders to be not less than 90 percent by the same standards.

(11) Restoration of Surfaces.

All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces that shall be removed in the performance of the

work shall be restored in kind by the contractor in accordance with the specifications. Deviations of more than 6 mm (1/4 inch) between old and new work or within new construction shall be corrected. Such measurement shall be made from a 3 m (10[-]foot) minimum length straight edge.

(12) Protection of Paved Surfaces.

Track equipment shall use rubber cleats or paving pads when operating on or crossing paved surfaces.

(13) Time Limit and Other Requirements.

The contractor shall provide a paved surface on all locations remaining overnight at his own expense for all permanent pavement removed or damaged due to excavation, unless additional time is granted in writing by the UDOT Region Director ~~or his authorized~~ representative. If weather conditions do not permit immediate placing of permanent pavement, a temporary 80 mm (3-inch) cold mulch shall be placed. When weather conditions are favorable, the temporary pavement shall be removed and replaced with a permanent pavement. If the gravel surface, gravel shoulders, or gravel surfaced approach roads become fouled with clay or other materials, the entire surfacing shall be removed and replaced with new gravel surfacing material. The repairs to pavement or surface shall include pavements which have been damaged with construction equipment. If the utility fails to restore the road ~~bed~~ to a satisfactory condition, UDOT shall restore the roadbed to a satisfactory condition. The utility shall be charged the cost of the restoration.

(14) Restoring, Concrete, or Asphalt Surfaces.

(a) Temporary Surface

When trenches are excavated in paved traffic lanes and the surface is replaced overnight with a temporary 80 mm (3-inch) cold mulch surface. The gravel below the cold mulch shall be placed deep enough to provide 230 mm (9 inches) of gravel for asphalt surfaces, and 305 mm (12 inches) of gravel for concrete, and concrete base-asphalt wearing surfaces.

(i) Gravel shall be placed in the trench at the time it is back-filled. The temporary cold mulch surface shall be maintained by rolling ~~or~~, adding cold mulch, etc., to maintain a safe, uniform surface until the final surface is placed. Excess material shall be removed immediately.

(ii) Material for use on gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for grading:

TABLE 9

Passing No. 25 mm (1 inch) sieve	100 percent
Passing No. 12.5 mm (1/2 inch) sieve	70 percent - 100 percent
Passing No. 100 mm (4 inch) sieve	41 percent - 68 percent
Passing No. 218 mm (16 inch) sieve	21 percent - 41 percent
Passing No. .300 mm (50 inch) sieve	10 percent - 27 percent
Passing No. .075 mm (200 inch) sieve	4 percent - 13 percent

(b) Asphaltic Concrete Surface.

The subbase material and exposed edges of existing pavement shall be primed with a tack coat material. Asphaltic Concrete Mix ~~shall~~ meeting the requirements of Section 402 "Asphalt Concrete Pavement" of the State of Utah 1994 Edition of the "Standard Specifications for Road and Bridge Construction," ~~1994 edition~~ shall be used. The thickness shall be equal to the adjacent surface thickness but not less than 75 mm (3 inches). On trenches crossing a highway, a Plant Mix Seal Coat shall be applied with a minimum

width of 1.5 m (5 feet) on either side of the excavation. If longitudinal trench excavation is permitted under a paved road, a plant mix seal coat meeting the requirements of Section 406 "Plant Mix Seal Coat" of the State of Utah 1994 edition of the "Standard Specification[s] for Road and Bridge Construction[-1994 edition;] shall be applied to a minimum width of 1.5 m (5 feet) over the trench or at least to the edge of the traveled lane on either side of the trench. If the trench is located in the shoulder area, a Plant Mix Seal Coat shall be placed from the edge of the traveled way to the outside edge of the shoulder. An alternative method shall be acceptable in cases ~~[when]~~ where the asphalt is cut to straight uniform lines. This method shall use underlap joints and tack coat overlapping road surface in place of seal coat. Minimum thickness of asphalt patch shall be 125 mm (5 inches) when this method is used. Materials and methods shall conform to Division 400 "Surface Courses" of the State of Utah 1994 Edition of the "Standard Specifications for Road and Bridge Construction[-1994 edition;].

(c) Concrete Surface.

The subbase shall be pre-wetted just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete, but in no case less than 180 mm (7 inches) thick. Concrete shall meet ~~[the descriptions Section 505 "Portland Cement Concrete" of the Standard Specifications for Road and Bridge Construction, 1994 edition;]~~ Section 505 and be placed in accordance with (Portland Cement concrete pavement) Section 408 "Portland Cement Concrete Pavement" of the State of Utah 1994 Edition of the "Standard Specifications for Road and Bridge Construction[-1994 edition;].

(d) Concrete Base Asphaltic Wearing Surfaces.

This type of surfacing shall be constructed as described in 2. and 3. above.

(~~d~~)e) Gravel Surfaces.

Trenches excavated through gravel surfaced areas such as gravel roads and gravel shoulders, unpaved driveways, etc., shall have the gravel surface restored and maintained, except that the gravel shall be a minimum of 25 mm (1[=]_inch) more than the thickness of the existing gravel.

(15) Cleanup.

At the completion of work all equipment, barricades and other items shall be removed from the right-of-way. All excess material shall be removed. Adjacent borrow pits and road shoulders used for storage of excavated material shall be smoothed and graded to their original contour.

(16) Seeding.

Any plant growth within the highway right-of-way that is disturbed or removed by the utility[~~s~~] construction operations shall be restored by him through seeding or replanting as directed by the UDOT Region/District Director or his authorized representative.

(17) Records.

Construction plan drawings or sketches shall be submitted before proposed work shall be approved. Construction revisions shall be documented with as-constructed plans. The proposed installation shall be tied by survey to nearest permanent-type marker, such as right-of-way, street intersection, section corners, U. S. Geological Survey, and Coast and Geodetic Triangulation Stations. Ties to highway stations when survey work has been completed shall also be accepted. The tolerance of error in these

ties may not exceed one minute in direction and 30 mm (0.1 feet) in distance. Any field changes made during construction shall be noted and corrected prints furnished the UDOT Region/District Director or his authorized representative within twelve[-(12)] calendar days after completion of construction.

(18) Liability

Any individual or organization performing work within the state highway right of way shall hold the Utah Department of Transportation and its employees, and the owners and employees of any other utility company within said right of way, free and harmless from all damages caused through such operations. Any defective workmanship discovered within three years of the completion of the job shall be immediately corrected.

R930-6-17. Longitudinal Access to Interstate Highway Right-of-Way for Telecommunication Facilities.

(1) General Provisions

(a) The provisions of this section are authorized by the Utah Code Section 72-7-108 Longitudinal telecommunication access in the Interstate highway system -- Definitions -- Agreements -- Compensation -- Restrictions -- Rulemaking.

(b) UDOT acquires rights-of-way which are adequate not only for the construction of the Interstate highway, but also for its safe operation and maintenance.

(i) The rights-of-way are devoted exclusively to public highway purposes, except that certain non-highway uses of rights-of-way are allowed which are in the public interest, provided the uses do not impair or interfere with the free and safe flow of traffic and highway maintenance.

(ii) UDOT recognizes that it is in the public interest for Providers to use the Interstate highway when it does not interfere with the primary purpose of the highway.

(c) The term "Provider" in this chapter includes the telecommunication entity applying for permits, conducting the work, hiring subcontractors the Provider hires to complete permitted work. All references to the Provider are inclusive.

(d) The Term "UDOT" in this chapter includes all authorized representatives of the Utah Department of Transportation.

(e) UDOT routinely inspects the work of the Provider for compliance with the license agreement, the permit, and State and Federal regulations. UDOT bills all costs of construction inspection to the Provider, and receives the funds from the Provider.

(i) The Provider notifies UDOT 24 hours in advance of conducting any construction.

(ii) Failure to notify revokes the permit, causes Provider to default the telecommunication provider license, and removes the Provider from the Interstate right-of-way.

(2) Permit Process

(a) Publication of Notice of the Opportunity: UDOT advertises the availability of opportunities for constructing and installing telecommunications facilities in Interstate System highway rights-of-way.

(b) The License Agreement. UDOT grants a license to any Provider who enters into a License Agreement with UDOT to use a right-of-way for construction, maintenance, repair, operation, subsurface line, and/or wireless towers.

(c) UDOT's review team consists of the Chief Utility Engineer or his/her representative, Region Permit Officer, Region Operating Engineer, Region Environmental Engineer, Region Right-of-Way

Engineer, Region Hydraulics Engineer, Region Traffic Engineer, ITS manager, Preconstruction Engineer, Structural Engineer and other technical expert required to properly review planned facility installation.

(i) When the proposed project crosses several regions, a team from each region reviews the section of the project within their region.

(ii) The review teams submit their comments and recommendation for approval to the Chief Utility Engineer or designee.

(d) Permit application: The Provider performs work under a permit after the execution of a License Agreement.

(i) The Provider desiring a permit to use UDOT's right-of-way submits to the UDOT review team a detailed set of plans showing:

(A) proposed work

(B) all existing facilities within the UDOT right-of-way

(C) a traffic control plan

(ii) The Provider submits a copy of the Environmental document and all required environmental permits to UDOT. Provider is responsible for complying with all environmental requirements as outlined in:

(A) UDOT's Metric Specifications For Road and Bridge Construction CSI Format, Section 01355 Environmental Protection.

(B) Letter dated October 9, 1997 issued by UDOT's Deputy Director. (Appendix E).

The review and approval of the Environmental Document by UDOT does not relieve the Provider from any liability due to errors or omissions in the Document.

(iii) Except in emergency situations as provided in Section IX.8.A of this manual, UDOT does not allow any Provider or person to dig up, disturb, or alter the land surface or the roadway surface within the right-of-way of any Interstate Highway under any License Agreement until Provider or person first obtains a written permit from UDOT.

(iv) Permits contain reasonable terms and conditions pertaining to crossing, excavating, placing, constructing, and maintaining conduits, facilities, or any other structures or objects on rights-of-way.

(v) For each permit issued, UDOT recovers the cost of the plan reviews.

(e) UDOT requires both a Payment Bond and a Performance Bond from the Provider at the time of the execution of the permit, and determines the amount of the bonds at the time the permit is issued.

(i) Bonds run for three (3) years after completion of the work to guarantee satisfactory performance. The Provider's liability is not limited to the amount of the bonds.

(ii) UDOT may proceed against the Performance Bond to recover all expenses incurred by UDOT, its employees or representatives, in bringing the section of Interstate right-of-way interfered with to required standards.

(iii) UDOT may proceed against the Payment Bond to recover all expenses incurred by UDOT for plan review, permit issuance, and inspection costs.

(f) The Provider may not begin excavations and/or other operations on UDOT property or right-of-way until the Provider gives notice to UDOT and obtains a permit. The Provider completes the construction in accordance with approved plans.

(g) The Provider completes work covered by the permit as specified in the license agreement.

(i) Failure to complete the work within the specified time gives UDOT the option of extending the time or revoking the permit and using the bond to restore UDOT's right-of-way to its original condition.

(ii) Time extensions shall be in writing and approved by UDOT.

(h) UDOT retains the right to cancel the permit and remove the facility and restore the Interstate right-of-way at the sole expense of the Provider.

(i) If the Provider fails to:

(A) Construct, maintain or remove said telecommunication facility in accordance with the terms of the permit to the entire satisfaction of UDOT, or

(B) Pay UDOT any sum of money for the inspection, or reconstruction of UDOT's right-of-way to its original condition.

(ii) Before UDOT cancels the permit, it notifies the Provider in writing, discloses violations, and gives the Provider a reasonable time to make full corrections.

(3) Right-of-Way Use Conditions and Requirements

The following provisions apply to all telecommunication facilities:

(a) Do not transfer permitted interest to another Provider or person except by written consent of UDOT.

(b) Providers to whom permits may be granted:

(i) Shall at all times indemnify and hold harmless UDOT, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of their facilities.

(ii) Shall be responsible for maintaining the excavation for a period of three years in accordance with applicable specifications for excavations on Interstate highway rights-of-way.

(c) UDOT and Provider shall comply with Utah Code 54-8a before beginning any excavations.

(d) UDOT may require the Provider to relocate the telecommunication facilities located on any Interstate right-of-way when highway changes are required to provide for the free and safe flow of traffic.

(4) Telecommunication Facility Installation Requirements

(a) Provider shall locate telecommunication facilities to:

(i) Eliminate or minimize need for later adjustment to accommodate future highway improvements, and;

(ii) Permit access for servicing with minimum interference to highway traffic.

(b) Locate longitudinal telecommunication facility installations on a uniform alignment no closer than 0.91 meters (3 feet) from the right-of-way fence at a location approved by UDOT to provide a safe environment for traffic operation, and preserve space for future highway improvements or other telecommunication facility provider installations.

(c) Place by boring, new transverse telecommunication facility installations permitted under highways. Open excavation is not allowed under the Interstate pavement or within the Interstate clear zone.

(d) To the extent feasible and practical, place telecommunication facility highway crossings on a line generally 90 degrees to the highway alignment.

(e) Place the horizontal and vertical location of above ground telecommunication facilities within the highway right-of-way limits to conform with the clear zone policies as defined in the most current edition of the AASHTO "Roadside Design Guide."

(f) Keep on file and make available to UDOT upon request, reproducible plans (including electronic plans) showing the location of the telecommunication facilities.

(i) Electronic as-build plans available within 60 days of completion of installation.

(ii) Redline drawings available immediately upon completion of installation at the request of UDOT.

(iii) Files must be in format compatible with Intergraph and Microstation in accordance with UDOT CADD standards.

(iv) The Provider maintains plans and electronic files updated with horizontal and vertical ties to the center line of the highway, so that the exact location of the facility may be established as the need arises.

(g) In general, apply controls previously outlined for pipelines as related to burial depth, encasement, and installation to underground installations of communication lines. Conform to Section V.D.2.a. Other controls are as follow:

Provide loops which will allow placement of above ground appurtenances such as splice box closures, underground distribution terminals, etc., as close to the highway right-of-way as is possible, or outside of the right-of-way on private right-of-way as determined by a UDOT authorized representative.

(5) Design

(a) The Provider is responsible for the design of the facility to be installed within the highway rights-of-way. UDOT is responsible for reviewing and accepting the Provider's proposal, particularly the installation method used including the measures to preserve the safe and free flow of traffic, structural integrity of the highway, ease of highway maintenance, and appearance of the highway.

(b) Provider designs distribution or service line crossings of Interstate highways such that the need for crossings by telecommunication service connections is minimized.

(c) As a minimum, meet the requirements of the most current edition of the National Electrical Safety Code for all telecommunication facility installations on, over, or under the UDOT rights-of-way.

(d) Design ground-mounted telecommunication facilities to be compatible with the scenic quality of the specific Interstate highway section in question.

(e) Design all telecommunication facilities on, over, or under on highway right-of-way of durable materials and for long service life expectancy reasonably free from servicing and maintenance.

(f) On new installations or adjustments of existing telecommunication facilities, make known any provisions for planned expansion of the facilities. Plan to avoid interference when additional underground lines are installed at some future date.

6.Appurtenances

(a) The Provider is required to install readily identifiable and suitable markers at 500 foot intervals or line of sight as near as practical to UDOT's right-of-way line.

(b) Do not locate handholes in the pavement or shoulders of Interstate highways, unless approved by UDOT. Design and locate handholes to cause the least interference to other utilities and future highway expansion. Provider bears the cost of adjusting handholes

to fit new or reconstructed highway paving, grading or slope flattening.

(7) Costs

(a) On new installations, the Provider pays for the entire costs of the telecommunication facility. If a highway is reconstructed requiring adjustment of handholes or relocation of the telecommunication facility on the right-of-way, the telecommunication facility provider assumes and pays all costs incident to adjusting handholes or relocating any part of the telecommunication facility.

(8) Excavation and Backfill

(a) Conduct all excavation and backfill to comply with UDOT's current edition of Metric Specifications For Road and Bridge Construction CSI Format Section 02316 Roadway Excavation, Section 03575 Flowable Fill, and Section 02317, Subsection 3.3 Backfill and Compaction (see Appendix B).

(i) Do not excavate without first obtaining and posting the required permit.

(ii) An emergency excavation may be made without prior permit if there is imminent danger or loss of life or severe damage to property.

(iii) In emergency situations, contact UDOT not later than the end of the first working day following the excavation.

(iv) No provision of this manual is waived for emergency situations except for the prior permit requirement.

(v) In all cases, the permittee complies with the State Law requiring notification of all utilities owners prior to excavation.

(9) Traffic Control

(a) Conduct operations to minimize interruption to highway traffic.

(i) Conform to the instructions of UDOT representatives, and maintain flaggers, watch persons, barricades, lights, and other measures in conformance with the current Federal Highway Administration's "Manual on Uniform Traffic Control Devices" (MUTCD) during maintenance and construction.

(ii) Do not close lanes or shoulders without prior written approval from UDOT. Traffic control plans showing detours and signing operations are required in advance for review and approval. Peak hour lane closures are prohibited.

(10) Restoration of Traffic Signal and Advance Traffic Management system (ATMS) Equipment

(a) Restore any traffic signal equipment or any facilities which are disturbed or relocated as a result of the telecommunication provider work in accordance with plans approved by UDOT.

(i) At the Provider's expense by a qualified electrical contractor experienced in signal installation, retained by the permittee and approved in advance by UDOT.

(ii) Schedule work to minimize disruption of any traffic signal operation.

(11) Cleaning Highway Right-of-Way

(a) Upon completion of the work, remove all material from within the limits of the highway. Carefully grade the disturbed surface to the lines and grades existing prior to the excavation. Seeding and/or replacing sod and/or plants may be required to restore damaged or destroyed vegetation. Accomplish all seeding and replacing activities following UDOT's Metric Standard Specifications For Road and Bridge Construction CSI Format, Section 02922 Seed, Turf seed, and Turf Sod, and Section 02936 Vegetation Establishment Period.

(b) Properly restore any highway features or facilities such as paint striping, signs, culverts, etc., disturbed or damaged during the progress of the work to satisfy UDOT current standards and regulations.

(12) Maintenance

(a) At all times maintain, repair, renew, and operate the telecommunication facility at the Provider's expense.

(i) If the telecommunication facility interferes with the operation of the highway, UDOT will notify the telecommunication provider in writing or verbally setting forth the violations and will request that the problem be corrected.

(ii) If the telecommunication provider does not correct the problem, UDOT reserves the right, without relieving the telecommunication provider of their obligation, to reconstruct or make emergency repairs to the telecommunication facility as it may consider necessary at the expense of the telecommunication provider.

(13) As a condition of being given a permit for a new telecommunication facility, the Provider grants UDOT the perpetual right to cross the telecommunication facility and all associated property if UDOT needs to do so for construction, expansion, improvement or maintenance of the highway system. UDOT shall use due care in crossing the telecommunication facility.

14. Liability

The Provider shall indemnify UDOT, its officers, employees, and agents, and hold them harmless for any and all claims, including claims from third parties, arising out of the construction or use of the telecommunication facility, and from all costs or expenses, including attorneys' fees of preparing for and defending against that claim.

(15) UDOT Maintenance Operations

(a) Bury underground facilities to the minimum depth of 60 inches when located within 20 feet of the edge of pavement and 36 inches on all other locations. Obtain approval from UDOT for any deviations in depth.

(i) In entering into the License Agreement with UDOT and obtaining an encroachment permit for the work, the Provider is required to avoid conflicts by placing its facilities to the required horizontal clearance and minimum burial depth.

(ii) The Provider is required by the terms of the permit to protect, indemnify and hold UDOT harmless for damages to lines within the right-of-way, which are not in compliance with the horizontal and vertical clearances. Any noncompliance to the above may result in annulment of the Provider's agreement or permit.

(16) Overhead Telecommunication Lines

(a) Avoid the following except where the Executive Director or his or her designee finds hardship or impracticality:

(i) Above-ground installations

(ii) Huts, pedestals, boxes, or other equipment and devices within the highway right-of-way

(iii) Use of through traffic roadways, lanes and ramps for construction or maintenance activities

(17) Installation on Highway Structures

(a) Attaching telecommunication facility provider lines to a highway structure can materially affect the safe operation of traffic and the efficiency of maintenance.

(b) Telecommunication facility may not be permitted to be installed on bridges, except in extreme cases where it is shown that any other location is extremely difficult.

(i) The location and design of telecommunication facility installation on bridges is subject to review and approval or denial by UDOT. UDOT must accept before the Provider proceeds.

(ii) Does not apply to telecommunication facilities required for operating the highway.

(c) Do not consider attachment of a telecommunication facility unless the structure is of a design that is adequate to support the additional load and can accommodate the telecommunication facility without compromise of Interstate highway features.

(d) Handholes for telecommunication provider access are not allowed in a bridge deck.

(e) Mount the entire telecommunication facility installation on the structure so as not to reduce the vertical clearance otherwise available.

(f) Locate telecommunication facilities which will be positioned beneath the structure floor preferably:

(i) Between the outer girders or beams

(ii) Or within a cell and at an elevation above the lowest superstructure steel or masonry.

(g) Attachments of telecommunication facilities to the outside of a structure is not permitted unless there is no reasonable alternative.

(h) Install telecommunication facility mountings which will not rattle due to vibrations caused by traffic.

(i) Suitably insulate and ground communication line attachments, and preferably carry them in protective conduit or pipe from the point of exit from the ground to reentry.

(ii) Preferably carry the cable to a handhole located beyond the backwall of the structure.

(iii) Suitably insulate carrier pipe and casing pipe from electrical power line attachments.

(i) Acceptable telecommunication facility attachment methods are hangers and/or roller assemblies suspended either from inserts from the underside of the bridge floor or from the hanger rods clamped to the flange of some superstructure member. Bolting through the bridge floor is not permitted.

(j) Clearances of the telecommunication facility from structure members:

(i) Conform to all governing codes.

(ii) Do not render any portion of the structure inaccessible for any maintenance function.

(k) Provider makes satisfactory provisions for the lineal expansion and contraction of its facility due to temperature variations.

(L) The Provider is responsible for restoration or repair of any portion of a structure or highway damaged by telecommunication facility use.

(18) Telecommunication Facility Locations Within Scenic Enhancement Areas

New underground telecommunication facility provider installations may be permitted within such areas where they do not require extensive removal or alteration of trees visible to the highway user or do not impair the appearance of the area.

(19) Miscellaneous

(a) Minimize the size of a disturbed area. Use construction methods in accordance with UDOT specifications and in compliance with the conditions of the License Agreements and permits. Promptly repair unsatisfactory restoration work.

(b) The telecommunication provider is required to obtain written permission from UDOT before disturbing trees which are located within the Interstate right-of-way. When the removal of a tree is permitted, remove the stump and properly backfill the hole. UDOT may require replacement with several trees as appropriate and approved by UDOT to assure equal restoration and mitigation.

(c) Keep all telecommunication facilities in a good state of repair both structurally and in appearance.

KEY: utility rules

~~[January 12, 1996]~~2000

~~[27-12-11]~~72-3-109

Notice of Continuation August 23, 2000

~~[27-12-11]~~72-6-116

72-7-102

72-7-108



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Administrative Services, Administrative Rules

R15-1

Administrative Rule Hearings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23225
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 63-46a-10(1)(a) and (m) require the Division to establish all hearing procedures necessary to make rules under the Utah Administrative Rulemaking Act (Title 63, Chapter 46a), to administer the Act, and to require agency compliance with hearing procedures.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 63-46a-5 establishes state policy governing rulemaking hearings. The provisions of Rule R15-1 are mandated by Subsections 63-46a-10(1)(a) and (m). Rule R15-1 provides procedures governing mandatory rulemaking hearings. Hearings are mandatory when a specific provision of law requires a hearing or when no fewer than ten persons or an organization with no fewer than 10 members requests that the agency to hold a hearing.

Rulemaking hearings can provide meaningful opportunities for citizens to learn about, become involved with, and influence administrative policy making. Changes in proposed rules, usually based on comments received from persons through hearings and other sources, constitute 6% of the permanent rule filings during FY 2000. Comments made by persons at rulemaking hearings become part of the administrative record in which an agency must justify its regulatory decisions.

This rule is necessary to provide consistent guidelines for mandatory rulemaking hearings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000



Administrative Services, Administrative Rules

R15-2

Public Petitioning for Rulemaking

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23226
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-12(2) requires the Division to promulgate administrative rules governing rulemaking petitions and to prescribe the form for petitions made under Section 63-46a-12.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 63-46a-12 permits persons to petition an agency to enact, amend, or repeal a rule. Subsection 63-46a-12(2) mandates that the Division "prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition." Rule R15-2 establishes petitioning procedures and requires petitioners to provide specific information. Rule R15-2 also establishes procedures governing agency consideration and disposition of rulemaking petitions. Rulemaking petitions provide citizens an important opportunity to directly influence the content of agency rules. An agency is required to respond to a rulemaking petition within 30 days from a petition's receipt. A rulemaking petition is part of the administrative remedies which, with a few exceptions, must be exhausted before a person may ask the court for relief as provided in Section 63-46a-12.1.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000



Administrative Services, Administrative Rules

R15-3

Definitional Clarification of Administrative Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23227
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-10(1) requires the Division to administer the Utah Administrative Rulemaking Act (Title 63, Chapter 46a), and require state agencies to comply with filing, publication, and hearing procedures. Subsection 63-46a-4(1) requires agencies to comply with rules made by the Division to implement the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R15-3 clarifies the role of rules in limiting agency discretion pursuant to Subsection 63-46a-3(8); provides standards for an agency to follow when making amendments to materials it incorporates by reference into its rules pursuant to Subsection 63-46a-3(7); requires an agency to provide a summary of materials incorporated by reference as part of the rule analysis summary; requires an agency to comply with copyright laws when providing the division a copy of materials incorporated by reference pursuant to Subsection 63-46a-3(7)(d); and limits the type of material that may be included in rule, consistent with Subsection 63-46a-4(7)(a)(3).

This rule provides necessary clarification to the statute. It ensures that materials incorporated by reference are accessible. It keeps publication expenses at a more reasonable level. It helps facilitate the broad distribution of rule text. Clear, consistent administrative rules increase the likelihood of compliance by both members of the public and the agency.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St

PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000

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**Administrative Services, Administrative
Rules
R15-4
Administrative Rulemaking Procedures**

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23228
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-10(1) requires the Division to administer the Utah Administrative Rulemaking Act (Title 63, Chapter 46a); establish all filing, publication, and hearing procedures necessary to make rules; and require state agencies to comply with filing, publication, and hearing procedures. Subsection 63-46a-4(1) requires agencies to comply with rules made by the Division to implement the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R15-4 establishes publication dates for the Utah State Bulletin and Utah State Digest pursuant to Subsections 63-46a-10(1)(d) and (f); establishes filing and publication deadlines; clarifies how the 30-day comment period is calculated; clarifies filing requirements for notices of effective date, nonsubstantive changes, changes in proposed rules, and 120-day (emergency) rules; clarifies how rule text is to be marked to show changes; and provides that changes not correctly marked may or may not, at the discretion of the director or his designee, be codified.

This rule is necessary. It ensures the statutory minimum level of public access to agency rules. It helps ensure consistent application of rulemaking procedures across state agencies. It establishes the division's rule filing standards so that a state agency can know what to expect when it engages in rulemaking.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000

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**Administrative Services, Administrative
Rules
R15-5
Administrative Rules Adjudicative
Proceedings**

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23229
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 63-46b-4 and 63-46b-5 permit an agency to designate adjudicative proceedings as informal. If the agency chooses to do so, it must do so by rule. Section 63-46b-21 requires each agency to issue rules that govern procedures for declaratory orders. Subsection 63-46a-10(1)(m) requires the division to administer the Utah Administrative Rulemaking Act (Title 63, Chapter 46a).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary for the Division to conduct adjudications informally. Without this rule, the Division would be required to follow the costly formal adjudication procedures outlined in the Administrative Procedures Act (Title 63, Chapter 46b), when an adjudication is required. Formal procedures would also impose unnecessary costs on persons affected by a rule. Informal procedures allow the Division to respond to citizens' concerns at the lowest cost to the state and the affected persons. The Division has received no comments in opposition to the rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000



**Administrative Services, Administrative
Rules
R15-6
Rulemaking Decision and
Administrative Record**

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23230
FILED: 10/16/2000, 14:35
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule, originally codified as Rule R2-6, was promulgated in 1990 (1990 UT Bull 18, pp. 28, 29; DAR File No. 11106; effective November 1, 1990), pursuant to a petition for rulemaking from the Utah Department of Health. The Notice of Proposed

Rule/Change indicated the Division relied on Sections 63-46a-2 and 63-46a-10 as authority for the rule.

This rule restates requirements found in statute and case law for rulewriting agencies to receive and consider public comment. Specifically, Subsections 63-46a-2(1), 63-46a-4(5)(g) and 63-46a-4(8), 63-46a-5(1), 63-46a-9(3)(a)(ii) and (iii), and 63-46a-12.1(2)(b)(i) anticipate that agencies will accept public comment for each rule. Subsection 63-46a-2(1) also anticipates that agencies will consider comment received. In a case that has close similarities to the rulemaking process, *Utah Restaurant Ass'n v. Salt Lake City-County Bd. Of Health*, 771 P.2d 671 (Ct. App. 1989), the court's decision states:

". . . [an agency] must consider all material presented to it during the public comment period and at the public hearing that is relevant to a proposed rule or regulation, the Act does not restrict it to acting only on such data or testimony when finally adopting rules or regulations. It may rely on its own experience, its expertise, and any facts known to it from whatever source they are drawn. It follows that adverse public input, once considered by the [agency], may be disregarded even if unrebutted by testimony or evidence presented at the public hearing." Notes and references omitted.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The assistant attorney general assigned to the Division has advised the Division that this rule is not necessary. It restates requirements found in statute and case law. This Notice of Review and Statement of Continuation is being filed to give the Division adequate time to repeal the rule through the regular rulemaking process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Administrative Services
Administrative Rules
4120 State Office Building
450 North Main St
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at khansen@das.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 10/16/2000



Agriculture and Food, Plant Industry
R68-3
Utah Fertilizer Act Governing Fertilizers
and Soil Amendments

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 23218
FILED: 10/13/2000, 15:04
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-2-2 authorizes the Department of Agriculture and Food to promulgate rules necessary for the effective administration of the agricultural laws of the state. Section 4-13-4 establishes the requirements for the labeling of fertilizer and soil amendments.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for the registration of fertilizer and soil amendment products being distributed in Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Plant Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clair Allen at the above address, by phone at (801) 538-7187, by FAX at (801) 538-7126, or Internet E-mail at callen@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 10/13/2000



Corrections, Administration
R251-303
Offenders' Use of Telephones

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 23195
FILED: 10/04/2000, 09:54
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 64-13-10 provides that: "The department may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to carry out the provisions of this chapter" (Title 64, Chapter 13).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is the responsibility of the department to notify the public that telephone calls to offenders may be monitored. This rule provides the reason and exceptions for monitoring calls.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections
Administration
Suite 304
6100 South Fashion Blvd
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: H. L. Haun, Executive Director

EFFECTIVE: 10/04/2000



Education, Administration

R277-444

Distribution of Funds to Arts and Sciences Organizations

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23213
FILED: 10/13/2000, 13:46
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Subsection 53A-1-401(3) vesting general control and supervision of schools in the State Board of Education, and under legislative intent of the 1999 Utah Legislature (H.B. 1).

(DAR Note: The intent language which affected this rule is under H.B. 1 and is found at 1999 Utah Laws 330, Item 258, and was effective July 1, 1999.)

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because funds for the arts and sciences continue to be distributed by the Utah State Office of Education to eligible organizations.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 10/13/2000



Education, Administration

R277-465

Character Education Funding

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23214
FILED: 10/13/2000, 13:46
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-17a-131.6 directs that the State Board of Education develop rules for the distribution of funds appropriated for the Character Education Program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Character Education Program is an effective continuing program which requires a rule with procedures for distribution of funds.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 10/13/2000



Education, Administration

R277-752

Teenage Pregnancy Prevention Funding

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23215
FILED: 10/13/2000, 13:46
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-17a-121(2) directs that districts spend monies for pregnancy prevention programs according to standards established by the State Board of Education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Teenage Pregnancy Prevention Program is an ongoing program that requires rules for distribution of funds to school districts.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 10/13/2000



Insurance, Administration
R590-130
Rules Governing Advertisements of Insurance

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23206
FILED: 10/12/2000, 17:06
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) - this provision allows the commissioner to make rules to implement the provisions of the Insurance Code.

Section 31A-23-302 - this section gives the commissioner the authority to define unfair or deceptive acts or practices in the business of insurance.

Through the use of this authority this rule sets advertising guidelines to assure clear and truthful disclosure of the benefits, limitations and exclusions of policies sold as insurance. The rule limits the form and content of advertisements; limits the use of deceptive word, phrases and illustrations; provides guidelines for the use of exceptions, reductions and limitations used in rules; requires disclosure of policy provisions dealing with renewals, cancellations and terminations; requires disclosure of the identity of the insurer; and procedures for enforcement by the Insurance Department in regards to this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is through the process of advertising that most insurance is sold to the public. This rule directs the way in which this can and cannot be done so as to help agents sell the products as honestly and openly as possible and to help the consumer understand what they are getting without exaggeration and deception. If there is deception and exaggeration on the part of the agent or insurer in the sale of insurance, the provisions of this rule, along with the insurance code, will help the department stop these violations.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/12/2000



Money Management Council,
Administration

R628-4

Bonding of Public Treasurers

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23200
FILED: 10/11/2000, 16:24
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 51-7-15 states that public treasurers shall be bonded in the amount designated by Council rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments in either direction.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Statute requires that public treasurers be bonded to protect public funds from loss if something goes wrong on a security after following other aspects of the Act. The Council asked the question of whether or not the rule was still needed and discussed it in reviewing the rule. It was decided that there was a need to have that backup of a bond, to protect against the remote chance of loss of public funds, if a security were to drop drastically in value.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Money Management Council
Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or Internet E-mail at apedroza@state.ut.us.

AUTHORIZED BY: Edward T. Alter, Treasurer

EFFECTIVE: 10/11/2000



Money Management Council,
Administration

R628-11

Maximum Amount of Public Funds
Allowed to Be Held by Any Qualified
Depository

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23221
FILED: 10/13/2000, 16:40
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 51-7-18.1 requires the Council to designate allotments, based on the depository's capital, in rule. This statute allows the Council to request from the institutions any information regarding the amount of public funds held by that institution, the condition of the deposits and liabilities, and their capital in order for the Council to fulfill its duty of protecting public funds on deposit in those institutions. This rule provides the detail of how "maximum allotments" are to be figured.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments for or against.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Council and Financial Institutions need a way to monitor the health of the financial institutions in the state that choose to hold public funds. This rule provides the formula for that. Although no written comments have been received, financial institutions in the state like this system because they do not have to keep excess securities on hand to collateralize public funds on deposit, as do institutions in many other states.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Money Management Council
Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or Internet E-mail at apedroza@state.ut.us.

AUTHORIZED BY: Edward T. Alter, Treasurer

EFFECTIVE: 10/13/2000

1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 10/12/2000



Natural Resources, Wildlife Resources
R657-24
Compensation for Mountain Lion and
Bear Damage

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 23208
FILED: 10/12/2000, 19:34
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 23-24-1, the Wildlife Board is authorized to provide rules to administer and enforce the procedures to obtain compensation for livestock damage done by mountain lion or bear.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received any comments, either in support or in opposition to Rule R657-24, Compensation for Mountain Lion and Bear Damage. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-24 provides the procedures, standards, requirements, and limits for obtaining compensation for damages to livestock by mountain lion and black bear. The provisions adopted in this rule are effective in providing the standards and requirements for obtaining compensation for mountain lion and black bear damage. Continuation of this rule is necessary for continued success of this program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110



**End of the Five-Year Notices of Review
and Statements of Continuation**

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services

Fleet Operations

No. 22977 (NEW): R27-1. Definitions.
Published: July 15, 2000
Effective: October 16, 2000

Environmental Quality

Air Quality

No. 22928 (AMD): R307-101-2. Definitions.
Published: July 1, 2000
Effective: October 5, 2000

No. 22929 (AMD): R307-150-2. Definitions.
Published: July 1, 2000
Effective: October 5, 2000

Solid and Hazardous Waste

No. 22774 (CPR): R315-3. Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities.
Published: September 1, 2000
Effective: October 20, 2000

No. 22775 (CPR): R315-4. Procedures for Decisionmaking.
Published: September 1, 2000
Effective: October 20, 2000

No. 22776 (CPR): R315-5. Hazardous Waste Generator Requirements.
Published: September 1, 2000
Effective: October 20, 2000

No. 22777 (CPR): R315-6. Hazardous Waste Transporter Requirements.
Published: September 1, 2000
Effective: October 20, 2000

No. 22779 (CPR): R315-8. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
Published: September 1, 2000
Effective: October 20, 2000

No. 22855 (CPR): R315-301. Solid Waste Authority, Definitions, and General Requirements.
Published: September 1, 2000
Effective: October 20, 2000

No. 23100 (AMD): R315-312-1. Applicability.
Published: September 1, 2000
Effective: October 5, 2000

Health

Children's Health Insurance Program

No. 23027 (AMD): R382-10. Eligibility.
Published: August 15, 2000
Effective: October 10, 2000

Health Care Financing, Coverage and Reimbursement Policy

No. 23097 (REP): R414-12. Medical Supplies Durable Medical Equipment - Prosthetics.
Published: September 1, 2000
Effective: October 16, 2000

No. 23098 (REP): R414-24A. Medical Supplies Program for Parenteral, Enteral, and IV Therapy.
Published: September 1, 2000
Effective: October 16, 2000

Regents (Board of)

Administration

No. 22951 (CPR): R765-171. Postsecondary Proprietary School Act Rules.
Published: September 1, 2000
Effective: October 3, 2000

Tax Commission

Property Tax

No. 23101 (AMD): R884-24P-33. 2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Ann. Section 59-2-301.
Published: September 1, 2000
Effective: October 3, 2000

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2000, including notices of effective date received through October 16, 2000, the effective dates of which are no later than November 1, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	23225	5YR	10/16/2000	2000-21/67
R15-2	Public Petitioning for Rulemaking	23226	5YR	10/16/2000	2000-21/67
R15-3	Definitional Clarification of Administrative Rule	23227	5YR	10/16/2000	2000-21/68
R15-4	Administrative Rulemaking Procedures	23228	5YR	10/16/2000	2000-21/69
R15-5	Administrative Rules Adjudicative Proceedings	23229	5YR	10/16/2000	2000-21/69
R15-6	Rulemaking Decision and Administrative Record	23230	5YR	10/16/2000	2000-21/70
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	22836	AMD	see CPR	2000-11/4
R25-7	Travel-Related Reimbursements for State Employees	22836	CPR	09/02/2000	2000-14/54

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-1	Definitions	22977	NEW	10/16/2000	2000-14/6
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed
<u>Purchasing and General Services</u>					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
R33-5-510	Application	22971	NSC	08/01/2000	Not Printed
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	22930	AMD	08/02/2000	2000-13/3
R58-7-2	Definitions	22913	AMD	07/18/2000	2000-12/5
R58-14	Holding Live Racoons or Coyotes in Captivity	22905	AMD	07/18/2000	2000-12/5
R58-17	Aquaculture and Aquatic Animal Health	22931	5YR	06/15/2000	2000-13/73
R58-17-2	Definitions	22879	NSC	06/26/2000	Not Printed
R58-18	Elk Farming	22932	AMD	08/02/2000	2000-13/7
R58-20	Domesticated Elk Hunting Parks	22933	AMD	08/02/2000	2000-13/10
R58-21	Trichomoniasis	22934	NEW	08/02/2000	2000-13/11
R58-21-3	Trichomoniasis - Rules - Prevention and Control	23088	NSC	09/01/2000	Not Printed
R58-22	Equine Infectious Anemia (EIA)	22935	NEW	08/02/2000	2000-13/12
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
<u>Regulatory Services</u>					
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	23218	5YR	10/13/2000	2000-21/71
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-1-3	General Policies	23038	AMD	10/02/2000	2000-16/4
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed
R81-1-12	Alcohol Training and Education Seminar	22812	AMD	07/03/2000	2000-10/4
R81-3	Package Agencies	23040	AMD	10/02/2000	2000-16/5
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	22572	NEW	03/13/2000	2000-2/5
R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7
COMMERCE					
<u>Administration</u>					
R151-46b	Department of Commerce Administrative Procedures Act Rules	22761	AMD	06/01/2000	2000-9/4
<u>Occupational and Professional Licensing</u>					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-26 (Changed to R156-26a)	Certified Public Accountant Licensing Act Rules	22887	AMD	07/18/2000	2000-12/7
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183
R156-46b	Division Utah Administrative Procedures Act Rules	22861	AMD	07/06/2000	2000-11/6
R156-55b	Electricians Licensing Rules	22740	AMD	06/01/2000	2000-9/20
R156-55b	Electricians Licensing Rules	22966	NSC	08/01/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-55b-304	Continuing Education	22910	NSC	06/26/2000	Not Printed
R156-55c-102	Definitions	22965	NSC	08/01/2000	Not Printed
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	22878	NEW	07/18/2000	2000-12/18
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	23032	AMD	09/18/2000	2000-16/7
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56	Utah Uniform Building Standard Act Rules	22790	AMD	07/01/2000	2000-10/5
R156-56	Utah Uniform Building Standard Act Rules	22967	NSC	08/01/2000	Not Printed
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R865-6F-16	Apportionment of Income of Long-Term Construction Contractors Pursuant to Utah Code Ann. Section 59-7-118	22892	NSC	06/27/2000	Not Printed
R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed
R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
R865-6F-29	Taxation of Railroads Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22897	NSC	06/27/2000	Not Printed
R865-9I	Income Tax	22992	NSC	08/01/2000	Not Printed
R865-9I-6	Returns by Husband and Wife, Either or Both of Whom is a Nonresident Pursuant to Utah Code Ann. Section 59-10-119	22984	AMD	08/31/2000	2000-14/37
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32-106 and 59-10-114	22898	NSC	06/27/2000	Not Printed

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R865-9I-48	Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114	22899	NSC	06/27/2000	Not Printed
R865-11Q-1	Time Period Within Which an Employer Must Obtain an Experience Modification Factor Pursuant to Utah Code Ann. Section 35A-3-202	22900	NSC	06/27/2000	Not Printed
R865-12L-9	Sellers With No Fixed Place of Business Pursuant to Utah Code Ann. Section 59-12-207	22710	AMD	06/21/2000	2000-8/29
R865-12L-16	Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804	22803	AMD	06/21/2000	2000-10/45
R865-13G	Motor Fuel Tax	22993	NSC	08/01/2000	Not Printed
R865-16R	Severance Tax	22996	5YR	07/07/2000	2000-15/30
R865-19S-49	Sales to and by Farmers and Other Agriculture Producers Pursuant to Utah Code Ann. Section 59-12-104	22985	AMD	08/31/2000	2000-14/39
R865-19S-103	Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	22758	AMD	06/21/2000	2000-9/181
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R873-22M	Motor Vehicle	22994	NSC	08/01/2000	Not Printed
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-408, 41-1a-409 and 41-1a-414	22901	NSC	06/27/2000	Not Printed
R873-22M-36	Access to Protected Motor Vehicle Records Pursuant to Utah Code Ann. Section 41-1a-116	22902	NSC	06/27/2000	Not Printed
R873-22M-38	Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	22804	AMD	06/20/2000	2000-10/47
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R877-23V	Motor Vehicle Enforcement	22995	NSC	08/01/2000	Not Printed
R877-23V-18	Qualifications for a Salvage Vehicle Buyer License Pursuant to Utah Code Ann. Section 41-3-202	22987	AMD	08/31/2000	2000-14/41
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R884-24P	Property Tax	23011	NSC	08/01/2000	Not Printed
R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	22627	AMD	03/28/2000	2000-4/56
R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	23101	AMD	10/03/2000	2000-17/22
R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47

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R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40
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R909-1	Safety Regulations for Motor Carriers	22652	AMD	06/01/2000	2000-5/62
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	22912	AMD	08/15/2000	2000-12/55
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R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22531	AMD	02/15/2000	2000-1/59
R912-16	Special Mobile Equipment	22990	NEW	08/16/2000	2000-14/42
R912-76	Single Tire Configuration	22751	NSC	05/01/2000	Not Printed
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R914-1	Rules and Regulations of the Utah State Aeronautical Committee	22810	NSC	05/23/2000	Not Printed
R914-2	Safety Rules and Procedures for Aircraft Operations on Roads	22811	NSC	05/23/2000	Not Printed
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R920-50	Tramway Operations Safety Rules	22978	AMD	08/31/2000	2000-14/43
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R986-211	Financial Assistance General Provisions	23055	REP	10/02/2000	2000-16/63
R986-212	Financial Assistance Coverage and Conditions of Eligibility	23056	REP	10/02/2000	2000-16/65
R986-213	Financial Assistance Need and Amount of Assistance	23057	REP	10/02/2000	2000-16/70
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	23058	REP	10/02/2000	2000-16/74
R986-215	Financial Assistance Verification and Safeguarding Requirements	23059	REP	10/02/2000	2000-16/76
R986-216	Financial Assistance Emergency Work Program (EWP)	23060	REP	10/02/2000	2000-16/77
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	23061	REP	10/02/2000	2000-16/80
R986-219	Financial Assistance Notice, Hearings, and Conciliation	23062	REP	10/02/2000	2000-16/83
R986-220	Financial Assistance Tables	23063	REP	10/02/2000	2000-16/84
R986-221	Demonstration Programs	23064	REP	10/02/2000	2000-16/85
R986-222	Adoption Assistance Program	23065	REP	10/02/2000	2000-16/87
R986-300	Refugee Resettlement Program	23049	NEW	10/02/2000	2000-16/88
R986-400	General Assistance and Working Toward Employment	23050	NEW	10/02/2000	2000-16/90
R986-411	General Provisions	23066	REP	10/02/2000	2000-16/94
R986-412	Conditions of Eligibility	23067	REP	10/02/2000	2000-16/96
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R986-418-812	Claims Against the Household	22834	NSC	05/25/2000	Not Printed
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R986-420	Maximum Allotments	23075	REP	10/02/2000	2000-16/109
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R986-701	Child Care Assistance General Provisions	23078	REP	10/02/2000	2000-16/119
R986-702	Conditions of Eligibility and Client Payment Amount	23079	REP	10/02/2000	2000-16/121
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R986-705	Resources	23082	REP	10/02/2000	2000-16/126
R986-706	Provider Payment and Contracting	23083	REP	10/02/2000	2000-16/127
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R986-900	Food Stamps	23054	NEW	10/02/2000	2000-16/131
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R994-102	Purpose of Employment Security Act	22823	NSC	05/25/2000	Not Printed
R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
R994-204-303	Factors Determining Independent Contractor Status	22825	NSC	05/25/2000	Not Printed
R994-205	Exempt Employment	22722	5YR	04/04/2000	2000-9/188
R994-206	Agricultural Labor	22723	5YR	04/04/2000	2000-9/188
R994-207	Unemployment	23149	5YR	09/14/2000	2000-19/163
R994-307-101	Relief of Charges to Contributing Employers	22826	NSC	05/25/2000	Not Printed
R994-308-106	Interest Earned on Cash Deposits	22827	NSC	05/25/2000	Not Printed
R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
R994-403	Claim for Benefits	22828	NSC	05/25/2000	Not Printed
R994-404	Wage Freeze Following Workers' Compensation	22829	NSC	05/25/2000	Not Printed
R994-405-503	Evidence and Burden of Proof	22800	AMD	06/16/2000	2000-10/49
R994-700	Licensing and Regulation of Private Employment Agencies	22705	REP	06/16/2000	2000-7/16

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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ACADEMIC PERFORMANCE					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
	23005	R277-472	NSC	08/01/2000	Not Printed
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Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38

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	22754	R527-200	NSC	05/01/2000	Not Printed
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	23226	R15-2	5YR	10/16/2000	2000-21/67
	23227	R15-3	5YR	10/16/2000	2000-21/68
	23228	R15-4	5YR	10/16/2000	2000-21/69
	23229	R15-5	5YR	10/16/2000	2000-21/69
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	23230	R15-6	5YR	10/16/2000	2000-21/70
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Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
Agriculture and Food, Animal Industry	22905	R58-14	AMD	07/18/2000	2000-12/5
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Commerce, Occupational and Professional Licensing	22861	R156-46b	AMD	07/06/2000	2000-11/6
Crime Victim Reparations, Administration	23042	R270-2	AMD	09/15/2000	2000-16/15
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
	22850	R477-12	AMD	07/05/2000	2000-11/82
	22854	R477-15	AMD	07/05/2000	2000-11/87
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Natural Resources, Parks and Recreation	22750	R651-101	NSC	05/01/2000	Not Printed

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	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22681	R652-50-610	AMD	07/13/2000	2000-6/40
	22819	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
	Natural Resources, Water Resources	22763	R653-7	NSC	05/01/2000
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
	22795	R850-40-300	NSC	08/01/2000	Not Printed
	22664	R850-130-400	NSC	02/25/2000	Not Printed
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	22959	R477-2	NSC	07/05/2000	Not Printed
	22841	R477-3	NSC	07/05/2000	Not Printed
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	22877	R512-41	AMD	07/20/2000	2000-12/51
<u>ADOPTION ASSISTANCE</u>					
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	23051	R986-500	NEW	10/02/2000	2000-16/111
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	22611	R277-904	AMD	03/03/2000	2000-2/13
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	22659	R510-302	AMD	05/16/2000	2000-5/43
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	23057	R986-213	REP	10/02/2000	2000-16/70

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	22837	R388-802	NSC	05/25/2000	Not Printed
<u>AIRCRAFT</u>					
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	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
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	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
	22688	R307-115	NSC	03/20/2000	Not Printed
	23133	R307-115	5YR	09/06/2000	2000-19/161
	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
	22605	R307-150	AMD	04/06/2000	2000-3/21
	22929	R307-150-2	AMD	10/05/2000	2000-13/32
	23090	R307-170	5YR	08/07/2000	2000-17/79
	23089	R307-205	5YR	08/02/2000	2000-17/86
	23039	R307-220-1	NSC	09/01/2000	Not Printed
	22724	R307-320	5YR	04/05/2000	2000-9/184
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
	22668	R307-801	AMD	see CPR	2000-5/10
	22668	R307-801	AMD	08/01/2000	2000-13/67
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	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
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	22752	R81-1-12	NSC	05/01/2000	Not Printed
	22812	R81-1-12	AMD	07/03/2000	2000-10/4
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	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
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	22879	R58-17-2	NSC	06/26/2000	Not Printed

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	22811	R914-2	NSC	05/23/2000	Not Printed
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	23072	R986-417	REP	10/02/2000	2000-16/105
	23073	R986-418	REP	10/02/2000	2000-16/106
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	22937	R527-332	NEW	08/01/2000	2000-13/44
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	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22398	R156-56	AMD	see CPR	99-20/15
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	22675	R606-3-2	NSC	03/20/2000	Not Printed
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	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9	
	23099	R309-150	5YR	08/10/2000	2000-17/87	
	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23	
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	22779	R315-8	AMD	See CPR	2000-9/111
	22779	R315-8	CPR	10/13/2000	2000-17/52
	22544	R315-13	NSC	01/25/2000	Not Printed
	22545	R315-16	NSC	01/25/2000	Not Printed
	22780	R315-16	AMD	07/15/2000	2000-9/147
	23165	R315-16	5YR	09/15/2000	2000-19/161
	22546	R315-50	NSC	01/25/2000	Not Printed
	22547	R315-101	NSC	01/25/2000	Not Printed
	22781	R315-101	AMD	07/15/2000	2000-9/157
	23166	R315-102	5YR	09/15/2000	2000-19/162
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	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74
	22638	R432-30	5YR	02/01/2000	2000-4/74
	22976	R432-100-33	AMD	08/31/2000	2000-14/8
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
	22852	R432-300	AMD	08/08/2000	2000-11/39
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
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	22671	R686-100	AMD	04/03/2000	2000-5/53
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	22816	R765-605	AMD	06/15/2000	2000-10/39
	23025	R765-610	AMD	09/15/2000	2000-16/36
	22822	R765-626	5YR	05/05/2000	2000-11/103
	22793	R765-685	AMD	07/01/2000	2000-10/43
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	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
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	22813	R501-11	AMD	06/20/2000	2000-10/30
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	22697	R501-21	NEW	05/02/2000	2000-6/33
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	23064	R986-221	REP	10/02/2000	2000-16/85
	23065	R986-222	REP	10/02/2000	2000-16/87
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	22898	R865-9I-46	NSC	06/27/2000	Not Printed
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	22825	R994-204-303	NSC	05/25/2000	Not Printed
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	23088	R58-21-3	NSC	09/01/2000	Not Printed
	22935	R58-22	NEW	08/02/2000	2000-13/12
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	23144	R313-12-3	NSC	10/01/2000	Not Printed
	22600	R313-16	AMD	03/10/2000	2000-3/56
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	22797	R590-160-8	AMD	08/31/2000	2000-10/32
	22489	R590-170	AMD	see CPR	99-23/88
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	23035	R590-171	5YR	07/28/2000	2000-16/133
	23036	R590-171	NSC	09/01/2000	Not Printed
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	22875	R590-199	NEW	07/21/2000	2000-11/91
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	22665	R590-88	5YR	02/15/2000	2000-5/66
	22918	R590-121	NSC	06/27/2000	Not Printed
	23206	R590-130	5YR	10/12/2000	2000-21/73
	22640	R590-131	AMD	see CPR	2000-4/44
	22640	R590-131	CPR	06/29/2000	2000-10/52
	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	22416	R590-197	NEW	01/25/2000	99-20/30
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	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
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	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
	22725	R156-38	5YR	04/06/2000	2000-9/183
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	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
	22878	R156-55d	NEW	07/18/2000	2000-12/18
	23032	R156-55d	AMD	09/18/2000	2000-16/7
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	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
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	22791	R156-56-706	AMD	07/01/2000	2000-10/18
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	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
	22863	R156-59-302	AMD	07/10/2000	2000-11/9
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	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
	22589	R156-66	AMD	02/15/2000	2000-2/14
	22507	R156-71	AMD	01/04/2000	99-23/14
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	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
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	22954	R414-31	NSC	08/01/2000	Not Printed
	22955	R414-33	NSC	08/01/2000	Not Printed
	23086	R414-33	5YR	08/02/2000	2000-17/88
	23087	R414-33A	5YR	08/02/2000	2000-17/89
	22956	R414-45	NSC	08/01/2000	Not Printed
	22957	R414-54	NSC	08/01/2000	Not Printed
	22513	R414-61	NEW	see CPR	99-24/15
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	22724	R307-320	5YR	04/05/2000	2000-9/184
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	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
	22995	R877-23V	NSC	08/01/2000	Not Printed
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	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
<u>NATUROPATHS</u>					
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	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
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	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
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	22861	R156-46b	AMD	07/06/2000	2000-11/6
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
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	22958	R414-58	NSC	08/01/2000	Not Printed
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	22937	R527-332	NEW	08/01/2000	2000-13/44
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	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>PARKS</u>					
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	22872	R651-601	AMD	07/04/2000	2000-11/97
	22968	R651-601	NSC	08/01/2000	Not Printed
	22873	R651-606	AMD	09/28/2000	2000-11/98
	22969	R651-606	NSC	09/28/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
	22874	R651-634	NEW	07/04/2000	2000-11/99
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Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
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	22835	R652-120	5YR	05/09/2000	2000-11/102
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
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	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
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	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
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	23024	R277-476	NEW	09/01/2000	2000-15/14
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	23178	R392-401	NSC	10/01/2000	Not Printed
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	22784	R746-405	NSC	05/01/2000	Not Printed
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	23184	R313-15	NSC	10/01/2000	Not Printed
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	22524	R614-1-4	NSC	01/25/2000	Not Printed
	22766	R614-1-5	NSC	05/01/2000	Not Printed
	22925	R614-1-5	NSC	06/27/2000	Not Printed
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	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
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	22866	R164-14	NSC	05/25/2000	Not Printed
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	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
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	22973	R657-21	AMD	08/15/2000	2000-14/18
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	22890	R861-1A-20	NSC	06/27/2000	Not Printed
	22802	R861-1A-36	AMD	06/21/2000	2000-10/44
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	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
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	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
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	22996	R865-16R	5YR	07/07/2000	2000-15/30
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	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
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	22987	R877-23V-18	AMD	08/31/2000	2000-14/41
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	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
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	22909	R708-32	NSC	06/20/2000	Not Printed
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	23144	R313-12-3	NSC	10/01/2000	Not Printed
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Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
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	22784	R746-405	NSC	05/01/2000	Not Printed
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	22691	R317-4	NSC	03/20/2000	Not Printed
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	22495	R317-505	REP	02/16/2000	99-23/59
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